"Marked Severities"

Secretary ROOT'S RECORD IN PHILIPPINE WARFARE

An Analysis of the Law and Facts Bearing on the Action and Utterances of PRESIDENT ROOSEVELT and SECRETARY ROOT

3 1761 07589365 1

"WORDS ARE GOOD IF THEY ARE BACKED UP BY DEEDS, AND ONLY SO."

—Theodore Roosevelt, Fourth of July Oration

Secretary Root's Record

"MARKED SEVERITIES"

IN

PHILIPPINE WARFARE

An Analysis of the Law and Facts bearing on the Action and Utterances of

PRESIDENT ROOSEVELT AND SECRETARY ROOT

"Words are good if they are backed up by deeds, and only so."

Theodore Roosevelt, 4th of July Oration.

BOSTON

GEO. H. ELLIS CO., PRINTERS, 272 CONGRESS STREET

1902

Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

http://www.archive.org/details/markedseverities00bostuoff

ADAMS BUILDING,
23 COURT ST.,
BOSTON.

AUGUST 29, 1902.

MESSRS. MOORFIELD STOREY AND JULIAN CODMAN,
BOSTON, MASS.

Gentlemen:

In the course of a speech delivered yesterday at Weirs, N.H., President Roosevelt is reported as having used the following language: "The army, which has done its work so well in the Philippine Islands, has . . . been cruelly maligned even by some who should have known better. . . . The temptation to retaliate for the fearful cruelties of a savage foe is very great, and now and then it has been yielded to. There have been a few, and only a few, such instances in the Philippines; and punishment has been meted out with unflinching justice to the offenders."

In an official communication of the Hon. Elihu Root, Secretary of War, under date of February 17 last, is the following: —

"The war in the Philippines has been conducted by the American army with scrupulous regard for the rules of civilized warfare, with careful and genuine consideration for the prisoner and the non-combatant, with self-restraint, and with humanity never surpassed."

In his speech at Arlington on Decoration Day, so called, in May last, President Roosevelt said, "Determined and unswerving effort must be made to find out every instance of barbarity on the part of our troops, to punish those guilty of it, and to take, if possible, even stronger measures than have already been taken to minimize or prevent the occurrence of all such instances in the future."

As a Committee, we submit the foregoing statements to you, with a view to ascertaining whether they will bear examination so far as the rules of warfare, as generally accepted, are concerned, or are in conformity with the facts as they have been elicited by investigation or appear of record.

Furthermore, we would ask you to advise us, in so far as can be ascertained, whether satisfactory or complete revelations could have

been elicited by any investigations conducted under the conditions imposed thereon by the orders issued from the War Department and the instructions therein contained.

We have the honor to be, etc.,

CHARLES FRANCIS ADAMS,
CARL SCHURZ,
EDWIN BURRITT SMITH,
HERBERT WELSH,

Committee.

SEPTEMBER 20, 1902.

MESSRS. CHARLES FRANCIS ADAMS, CARL SCHURZ, E. BURRITT SMITH, AND HERBERT WELSH, *Committee.*

Gentlemen:

Your communication of the 29th ult. has been received, and considered carefully.

To answer satisfactorily the questions which you ask, it is necessary to review an extensive and complicated record, bearing constantly in mind the relations of the high officials concerned, civil and military, to each other and to the national government. It will, in the first place, be noticed that the duty of prosecuting any investigation such as that promised by President Roosevelt in the Arlington speech rests primarily on the Secretary of War. Under the conditions existing in the Philippines, it would devolve upon him to make, in the language of the President, a "determined and unswerving effort to find out every instance of barbarity, and to punish those guilty of it."

The entire record of the Secretary of War in connection with the Philippine Islands and the recent transactions therein must therefore be examined, so far as it is known, in order to determine how much confidence can be reposed on any statements relating thereto which have emanated or may emanate from him.

What is that record?

Secretary Root's Responsibility.

Mr. Root has been the Secretary of War since August, 1899. The officers in command of our forces have received their orders from or through him, and have made their reports to him. Better than any other man in the United States he has been able to learn the truth about our military operations; and it has been his duty to know the exact facts.

His duty was thus defined by President McKinley in written instructions to the Secretary of War, bearing date December 21, 1898: —

> Finally, it should be the earnest and paramount aim of the military administration to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring them, in every possible way, that full measure of individual rights which is the heritage of free peoples, and by proving to them that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule.

The practical effect of these instructions was thus stated in field orders issued by General MacArthur on April 22, 1899, at Malolos: —

> The purpose of the United States in these islands is beneficent. It is, therefore, one of the most important duties of American soldiers to assist in establishing friendly relations with the natives by kind and considerate treatment in all matters arising from personal contact. To exasperate individuals or to burn or loot unprotected or abandoned houses or property is not only criminal in itself, but tends to impede the policy of the United States and to defeat the very purpose which the army is here to accomplish. . . .
>
> When in hostile contact with the enemy, an adversary, with arms in his hands, must be killed, if possible; but a wounded or surrendered opponent, who is incapable of doing any injury, is entitled to the most cordial courtesy and kindness. Any departure from the well-established amenities of the battlefield or the laws of war must be and will be punished, according to the nature of the case, to the extent of the law.*

No one can doubt that these orders laid down the rules prescribed alike by the laws of war, by considerations of policy as well as humanity, and by the instructions of the President. It would be gross

* Evidence, p. 893.

Note. — Wherever the citation is "Evidence p. " the reference is to the printed record of testimony taken by the Senate Committee on Affairs in the Philippine Islands. Wherever anything is printed in Italics the Italics are the author's unless otherwise stated.

discourtesy to assume that Mr. Root, a trained lawyer and statesman, did not understand this as well as General MacArthur.

As the representative of the civil authority, and under the President, the head of the army, Mr. Root has been charged with especial responsibility in this matter. Removed from the scene of conflict, and unaffected by the fierce passions aroused in the soldier by actual battle, it has been his duty to watch the progress of the contest, and to see that its objects were kept in view, that the rules of war were observed, and that all unnecessary brutality and destruction were prevented or punished. It was for him, as the representative of the civil power, to moderate and control the wrath of officers and men, to the end that the war might result in a real peace, and not merely in outward submission concealing undying hatred.

Finally, it has been his duty, if he spoke at all, to tell his countrymen nothing but the truth.

One of Mr. Root's Statements tested.

On the 25th of October, 1900, after he had been in office more than a year, and more than twenty months after the Philippine War began, when all the facts connected with its outbreak were familiar to him, Mr. Root made a speech at Youngstown, Ohio, in which he said:—

> On the 4th of February, the day before the Senate approved the treaty, an army of Tagalogs, a tribe inhabiting the central part of Luzon, under the leadership of Aguinaldo, a Chinese half-breed, attacked, in vastly superior numbers, our little army in the possession of Manila, and after a desperate and bloody fight was repulsed in every direction.

And again:—

> The day was not then, but it came on the 4th of February, when a body of Filipino troops marched under cover of night, swiftly and silently, through our lines, regardless of the sentry's challenge; and, when he fired, volleys of musketry and roar of cannon upon every side commenced the proposed destruction of our army.

This speech, from which other passages will be quoted, was made to the people when the policy of the administration was on trial before them, and was intended to influence their votes. The language just quoted was skilfully devised to arouse their passions by

making it appear that the Filipino army, led by Aguinaldo himself, began the war by making a deliberate and unprovoked attack on our forces.

The official report of General Otis thus states the facts: —

> An insurgent approaching the picket [of a Nebraska regiment] refused to halt or answer when challenged. The result was that our picket discharged his piece [killing the Filipino], when the insurgent troops near Santa Mesa opened a spirited fire on our troops there stationed. . . . During the night it was confined to an exchange of fire between opposing lines for a distance of about two miles. . . . It is not believed that the chief insurgents wished to open hostilities at this time.*

After daybreak General Otis attacked the Philippine forces, and a battle ensued, lasting till 5 P.M., of which he says in his report: —

> The engagement was one strictly defensive on the part of the insurgents and of vigorous attack by our forces.†

The later official report, dated February 28, 1899, of General MacArthur, who commanded the American forces engaged, first gives a correspondence between him and the officer in command of the Filipino outposts, in which General MacArthur complains that some of the Filipinos have passed the line of demarcation fixed by agreement between the commanders; and the Filipino officer replies: —

> This is foreign to my wishes, and I shall give immediate orders in the premises that they retire,

which orders were given and obeyed on February 3, as the report states.‡

The report then proceeds: —

> About half-past eight P.M., on February 4, an insurgent patrol, consisting of four armed soldiers, entered our territory at Blockhouse No. 7, and advanced to the little village of Santol, which was occupied from the pipe-line outpost of the Nebraska regiment. . . . The American sentinel challenged twice; and then, as the insurgent patrol continued to advance, he fired (killing two of the Filipinos), whereupon the patrol retired to Blockhouse No. 7, from whence fire was immediately opened by the entire insurgent outpost at that point." §

Must we assume that the Secretary of War was ignorant of the official records when this unlucky patrol becomes in his mouth "*an*

* Report, Major-general commanding army, 1899, vol. i., part iv., p. 92.

† *Ibid.*, p. 96. ‡ Evidence, pp. 1389, 1390.

§ Report, Major-general commanding army, 1899, vol. i., part iv., pp. 423, 424.

army of Tagalogs . . . under the leadership of Aguinaldo," attacking, "*in vastly superior numbers, our little army in possession of Manilla*"? Or could they properly be described "*as a body of Filipino troops*" marching

> under cover of night, swiftly and silently, through our lines, regardless of the sentry's challenge?

His charge that this attack was "*under the leadership of Aguinaldo*" is met by the simple words of General Otis: —

> It is not believed that the chief insurgents wished to open hostilities at this time.*

The official report contradicts Mr. Root's statement at every point.

Another of Mr. Root's Statements.

Again, in the same speech, Mr. Root said that, within three months from the arrival of our army in the fall of 1899,

> the insurgent army and the insurgent government ceased to exist, and we hold all the islands which were subject to Spanish rule without opposition, save from fugitive bands, half guerilla and half bandit, who are shooting our men from ambush, and blackmailing and pillaging and murdering their own countrymen.

Of the Philippine government he spoke thus: —

> The people of the Philippine Islands never consented to that government. It was a pure and simple military domination of Tagalogs. The Visayans distrusted and feared them. The people of the great island of Negros raised the American flag, repelled the Tagalog invasion, and are living to-day in contentment under our government. The tribes of Northern Luzon received us with open arms. The ablest and best of the Tagalogs, under the leadership of Arellano and Torres repudiated the government of Aguinaldo. . . . A noble tribute to the Declaration of Independence it would have been, indeed, to deliver the people of Negros and the commerce of Manila and the patient and unconsenting millions of all other tribes but the Tagalogs into the hands of the assassin Aguinaldo. . . .

Mr. Root thus assured his countrymen that early in 1900 there was no opposition to the rule of the United States "*save from fugi-*

* Report, Major-general commanding army, 1899, vol. i., part iv., p. 370.

Before the Senate Committee this testimony was given by General MacArthur: —

Senator Patterson. The question was whether the Filipino troops made any attempt to advance upon American troops that night or that morning. You have no knowledge of anything of that kind?

General MacArthur. I have no knowledge of that kind, and I presume it was not so, because —

tive bands, half guerilla and half bandit,"* and that our troops must remain there to protect "*patient and unconsenting millions*" of Filipinos, including the Visayans, from the outrages of these Tagalog bandits.

He also describes "*blackmailing,*" "*pillaging,*" and "*murdering*" as crimes, when committed by these bandits.

Believing these statements, as we must of course assume that he did, it was his duty as Secretary, while pursuing the bandits, to protect the "patient and unconsenting millions," not only against their own countrymen, but against our soldiers. It will hardly be contended that we had a right to pillage and murder them in order to anticipate like action by "the bandits."

Nay, more, in the same speech he insisted that the Filipinos were protected against such abuses by constitutional safeguards. He said: —

> Let me show you what kind of government exists to-day in the Philippine Islands. I read from the instructions of the President to the present commission, which entered upon legislative power in these islands on the 1st of September last [1900].
>
> "The commission shall bear in mind that the government which they are establishing is designed not for our satisfaction or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands; and the measures adopted should be made to conform to their customs, their habits, and even their prejudices to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.
>
> . . . . . .
>
> "Upon every division and branch of the government of the Philippines must be imposed these inviolable rules.
>
> "That no person shall be deprived of life, liberty, or property without due process of law, that private property shall not be taken for public use without just compensation, . . . that excessive bail shall not be required, . . . nor cruel nor unusual punishment inflicted. . . . that the right to be secure against unreasonable searches and seizures shall not be violated."

And he continued: —

> Is that imperialism? Will giving that kind of government to these poor people who have suffered so long under Spanish tyranny degrade the character of this republic?

* Compare with this Secretary Root's statement at West Point in July of the present year: "In the Philippines it has put down an insurrection of 7,000,000 people, so that to-day peace reigns from the northernmost point of Luzon to the southernmost island of the southern archipelago, and with the sword it has carried the school-books, the blessing of peace and self-government and individual liberties, so that to-day nine-tenths of the men who took part in the insurgent government are now engaged in sustaining American liberty."

There can be no question that Secretary Root has understood fully how his great powers should be used. It is proposed to show how he has, in fact, used them.

The First Reports of Cruelty.

As soon as the mails from the army reached this country after the beginning of hostilities, the newspapers began to publish statements from soldiers and officers that the war against the Filipinos was being prosecuted with great barbarity; and it became apparent that there was at least a considerable element in the army who despised the native inhabitants, and were willing to kill prisoners, to burn villages, and to rob and murder non-combatants upon little or no provocation.

Thus L. F. Adams, of Ozark, Mo., a soldier in the Washington regiment, describing the scene after the battle of February 4–5, 1899, said: —

> In the path of the Washington Regiment and Battery D of the Sixth Artillery there were 1,008 dead niggers, and a great many wounded. We burned all their houses. I don't know how many men, women, and children the Tennessee boys did kill. They would not take any prisoners.

Howard McFarland, sergeant, Company B, Forty-third Infantry, wrote to the Fairfield *Journal* of Maine: —

> I am now stationed in a small town in charge of twenty-five men, and have a territory of twenty miles to patrol. . . . At the best, this is a very rich country; and we want it. My way of getting it would be to put a regiment into a skirmish line, and blow every nigger into a nigger heaven. On Thursday, March 29, eighteen of my company killed seventy-five nigger bolomen and ten of the nigger gunners. . . . When we find one that is not dead, we have bayonets.

It would be possible to fill columns with similar extracts, always met by statements that soldiers are liars, and that these stories could not be believed.

On July 17, 1899, the staff correspondents of American newspapers stationed at Manila telegraphed to this country their joint protest against the censorship of the press, alleging that the American people had been deceived as to conditions in the Philippines, and that they had been compelled

> to participate in this misrepresentation by excising or altering uncontroverted statements of facts on the plea, as General Otis stated, that "they would alarm the people at home."

This was signed by men of entire responsibility, and led to an inquiry by the general manager of the Associated Press.

He received a reply from Robert M. Collins, one of the correspondents of the Associated Press, which contained a statement of a conversation between the correspondents and General Otis, from which the following passages are quoted: —

> In that connection we reminded him that the stories of looting in soldiers' letters home had been little, if any, exaggerated. Davis and Bass told him they had personally seen our soldiers bayoneting the wounded; and I reminded him that the cutting off of the ears of two American soldiers at Damariscotta had been merely retaliation for similar mutilations of dead Filipinos by the Americans.
>
> (No one could possibly tell stronger stories of the looting and blackmailing by our soldiers than Otis has told, although he charges it all to the volunteers.)
>
> There has been according to Otis himself, and the personal knowledge of every one here, a perfect orgy of looting and wanton destruction of property and most outrageous blackmailing of the natives and Chinamen in Manila, and various incidents like the shooting down of several Filipinos for attempting to run from arrest at a cock fight.

This was no anonymous slander, but the statement of men well known, like all of these correspondents. Davis and Bass themselves saw wounded men bayoneted; and the knowledge of looting, blackmail, and just such barbarous practices on the part of our soldiers as Mr. Root attributed to the Filipinos, was brought home to the whole country. While this letter was fresh in the public mind, Secretary Root took office. The war was only five months old. The attitude of the army toward the Filipinos was clearly questionable. The witnesses were ready. Then was the time to investigate. Compare the President's direction to the Secretary of War and General MacArthur's order at Malolos with the statement of Mr. Collins, and the need for a searching investigation and for instant reform is apparent.

How Charges were investigated.

How were these matters investigated, and what was the attitude of the Department towards these crimes? Take first the killing of prisoners and wounded.

The battle of Caloocan was fought on February 10, 1899, five days after the war began. Of this one Charles Brenner, a private in a Kansas regiment, wrote: —

> It was fine shooting, as it was open ground, and we picked them off like quail.

And then went on: —

> Company I. had taken a few prisoners, and stopped. The colonel ordered them up into line time after time, and finally sent Captain Bishop back to start them. Then occurred the hardest sight I ever saw. They had four prisoners, and didn't know what to do with them. They asked Captain Bishop what to do; and he said, "You know the orders," and four natives fell dead.

This was denounced as a soldier's lie, but what does the official record show? On June 10, 1899, this letter of Brenner was referred by General MacArthur's order to the inspector-general of the division for investigation. On June 28 it was returned to the assistant adjutant-general of the division with the report of the investigation, which gives the testimony of several witnesses that Captain Bishop had admitted giving the orders, and of several others that they heard the order given by some one, while one witness testified that he, with others, did the shooting. Captain Flanders testified that he ordered the prisoners to the rear, and heard some one give the order to shoot them, but did not investigate. A lieutenant heard some one — he thought at the time Bishop — say, "*Kill them! damn it, kill them!*" One witness testified that on the day of the battle "word was passed along the line that the orders were to take no prisoners." *

One private, who was said to have helped to kill the prisoners, said Major Metcalf gave the orders.

Major Mallory, who made the investigation, reported that at least two prisoners were shot; that the prisoners, either because they did not understand what was said to them or were afraid or were wounded and unable to walk, were slow in going to the rear; and that the evidence as to Bishop's action was conflicting, since he denied the statements of the witnesses quoted, which directly implicated him. Finally, Major Mallory finds

> that Captain Charles S. Flanders, . . . having detailed two men to take the prisoners to the rear, and knowing that the prisoners were not taken to the rear, but, according to his own statement, were shot, was *guilty of gross neglect of duty in not investigating the matter, or reporting it to higher authority, and in taking no steps whatever to bring the guilty parties to justice.*†

* Evidence after p. 1420, pp. 10, 11. † *Ibid.*, p. 16.

An investigation had now, at least, been had; and the facts were reported to the highest authority in the islands. It was shown that the crime had been committed; and Private Putnam, who admitted the shooting, said that he acted under orders. The evidence that Bishop gave the orders was very strong, and against it was substantially only his denial. It is worth while to observe that while the witnesses against Bishop were called before Major Mallory and examined under oath, Funston, Metcalf, and Bishop were not called, but sent statements not under oath.

What steps were taken to bring the guilty parties to justice?

On June 30, 1899, by command of General Otis, the papers were sent to Judge Advocate Lieutenant Colonel E. H. Crowder, who has since been employed on several investigations, with the recommendation that Private Brenner should be court-martialled

> for writing and conniving at the publication of the article which brought out this investigation. The article contains a wilful falsehood concerning himself and a false charge against Captain Bishop.*

In other words, General Otis proposed to punish the soldier whose statement led to the discovery of the crime, and not the criminal. He recommended also that Private Putnam, who admitted helping to kill, be tried by court-martial, but suggested no further steps, thus urging the punishment of a private for obeying orders but letting the man who gave the orders go free.

Lieutenant Colonel Crowder, in reply on July 3, 1899, said:

> I am not convinced from a careful reading of this report that Private Brenner has made a false charge against Captain Bishop. It is certain that the evidence is far from conclusive that he did so. . . . The offence of Private Putnam — if he has committed one — is manslaughter. His only defence would be the lawful order of his superior officer. If put on trial, it is probable that facts would develop implicating many others. *I doubt the propriety of his trial, and am of the opinion that considerations of public policy sufficiently grave to silence every other demand require that no further action be taken in this case.**

Finally, on July 13, 1899, General Otis forwarded the papers to the adjutant-general of the army in Washington, with this indorsement by himself:

> After mature deliberation, I doubt the wisdom of a court-martial in this case, as it would give the insurgent authorities a knowledge of what was taking place, and they would assert positively that our

* Evidence after p. 1420, p. 29

> troops had practised inhumanities, whether the charge should be proven or not, as they would use it as an excuse to defend their own barbarities; *and it is not thought that this charge is very grievous under the circumstances then existing, as it was very early in the war, and the patience of our men was under great strain.**

The War Department accepted this advice.

It has been claimed that the action of our soldiers and officers was justified by General Order No. 100, issued during the Civil War, with the approval of Abraham Lincoln. Let us see how it bears on this case. Section 3, paragraph 71, provides as follows:—

> Whoever intentionally inflicts additional wounds on an enemy already wholly disabled, or kills such an enemy, or who orders or encourages soldiers to do so, *shall suffer death*, if duly convicted, whether he belongs to the army of the United States or is an enemy captured after having committed his misdeed.

Upon this record it is clear that the highest authorities declined to punish proved acts of barbarity, which subjected the guilty parties to the penalty of death, not because their guilt was in doubt, but because it was probable "*that facts would develop implicating many others.*" They declined to investigate, not because there was no reason, but because there was too much reason; and the commander-in-chief actually proposed to punish the witness who had made the crime known, and to let the criminal go free. Nay, more. He allowed himself to say that it was not a "*very grievous*" crime to kill helpless prisoners, because

> it was very early in the war, and the patience of our men was under great strain,—

as if men grow more patient with their enemies as war progresses.

This episode called forth no criticism or order from the War Department, and thus the record stands, that the military authorities at the very outset of the war let it be understood that the killing of prisoners was, on the whole, a venial offence, not likely to be punished; for it must have been generally known that this investigation had taken place, and that nothing had been done to punish the guilty parties. Is it not probable also that the spirit which led General Otis to advise the court-martial of the unhappy Brenner made itself felt throughout the army, and that the word was passed along the ranks, "*Whatever you see, it is not safe to tell*"?

* Evidence after p. 1420, p. 30.

But the record does not end here. It will be observed that the only persons implicated directly by the testimony taken by Major Mallory were two or three privates, who seem to have shot the prisoners, and Captain Bishop and Major Metcalf, who were said to have ordered the killing. Yet something else would seem to have been within the knowledge of Lieutenant Colonel Crowder, when he said that probably "*facts would develop implicating many others.*" What those facts were may be guessed from the testimony of Corporal Bradley before Major Mallory: —

> On the day of the Caloocan fight the word was passed down the line that we were not to take prisoners. The word was passed along our company by privates that the order was we were to take no prisoners.

Whence came this order?

Charges Renewed and Made Definite.

There was a discussion in the newspapers which implicated Frederick Funston and Wilder S. Metcalf, and in which their statements were controverted by a number of officers and privates in their regiment, the Twentieth Kansas. This, according to the newspapers, led Adjutant-general Corbin to say that no charges had ever been made against either Funston or Metcalf, and that, while he knew nothing of the facts, the charges against them were groundless and malicious.

In consequence of this, on January 9, 1900, John F. Hall, of Lawrence, Kansas, a lieutenant in the regiment, in a letter addressed to the Adjutant-general, made direct charges against them, among which were *

> *Fifth.*— That on the tenth day of February, 1899, the said Wilder S. Metcalf did maliciously, wilfully, and without just cause, shoot and kill an unarmed prisoner of war on his knees before him, begging for life, in violation of the fifty-eighth article of war.
>
> *Sixth.*— That the said Frederick S. Funston, at said date, and thereafter, *did issue orders to shoot* prisoners, and compounded the crime of the said Metcalf, above mentioned, by protecting and shielding the said Metcalf, and using his influence to prevent a fair and impartial investigation of the shooting of these prisoners, in violation of the fifty-eighth article of war.

In support of these charges he offered as witnesses, giving their

* Evidence after p. 1420, pp. 23 *et seq.*

names, six captains, seven lieutenants, and seven privates, all of the Twentieth Kansas, "*and other officers and men, whose names I will give when needed.*"

He gave the statements of officers and men testifying directly to facts of which they were eye-witnesses, showing that Metcalf and Bishop both killed prisoners. He stated directly: —

> Our regiment participated in the battle of Caloocan, Philippine Islands, February 10, 1899. At that battle Funston ordered that no prisoners be taken.

And again: —

> At an officer's meeting of our regiment, held in the trenches at Caloocan, March 23, 1899, the day before our advance on Malolos from Loma, in reference to a question, Colonel Funston said, with a grin, "Don't kill any more prisoners than you have to," or words to that effect.

He quoted another witness, who said: —

> During the fight before Caloocan an order was passed down the line, as was the custom when heavy firing was in progress, to "take no prisoners."

He quoted Funston's statement in an interview published in the San Francisco *Examiner* of November 23, 1899, as follows: —

> I felt that Major Mallory was going a little beyond the bounds of military inquiry. I thought he was showing undue zeal in his work, and so stated to General MacArthur,

adding, "*thereby acknowledging that he tampered with a court of justice.*"

He further stated that Funston and Metcalf had claimed credit and received promotion for gallant actions which they had never performed, and made a series of charges which, if true, should have led to Funston's punishment and disgrace.

He pointed out also that two of the privates, whose affidavits against Metcalf and Funston had been printed, had re-enlisted and were now in the service, and that Funston in an interview had said that he would take advantage of this fact to have these witnesses dealt with for making their statements.

Here, certainly, were charges made by an officer and backed by evidence which should have led to a searching inquiry. What did happen?

How Secretary Root investigated the Charge of killing Prisoners.

On January 19 Secretary Root ordered that Lieutenant Hall's communication be sent to the commanding general at Manila, with instructions to investigate only so much of the allegations as charged

> Wilder S. Metcalf . . . with having killed an unarmed prisoner of war and Brigadier-general Frederick Funston, United States Army, with having used his influence to prevent a fair and impartial investigation of the shooting of such prisoner, and to convene a board of officers for the purpose.*

Three things are conspicuous in this order: —

1. Out of the grave charges against General Funston, only one is selected. *The terrible accusation that he was responsible for the killing of wounded men or prisoners is ignored.* The other charges affecting his honor and character are also passed over in silence.

The Secretary was willing to inquire whether one prisoner had been killed, but not whether the killing of many had been ordered. Did he think that an order to give no quarter was not an offence, or, like Lieutenant Colonel Crowder, that an investigation would implicate so many that it was undesirable? In either case a refusal to investigate, especially after the public notoriety which the charges had received, meant to the army that the Secretary of War did not propose to punish such barbarity, whether it was the fault of a single officer or a general practice.

2. Though Metcalf was in the United States, and most of the witnesses were there, the inquiry is ordered to take place in Manila; and

3. No court-martial or court of inquiry is ordered, only an investigating board. The difference is important, as will appear.

On March 1, 1900, General Otis appointed "*a board of officers*" to investigate the charges specified in the Secretary's order, which met on March 5 at Angeles, Philippine Islands, at 2.15 P.M.†

The next day this board asked for further instructions, pointing out that Metcalf was in the United States, that in Mr. Hall's communication

> the names of many witnesses, ex-officers, and ex-soldiers of volunteers are given who are in the United States,

and asking: —

* Evidence after p. 1420, p. 27. † *Ibid.*, p. 28.

1. Is the board to investigate these accusations without the said Metcalf being present, and without his having an opportunity to refute these accusations?

2. Is the board to confine its investigation to such witnesses as are in the Philippine Islands?

3. The essential difference between the powers and procedure of this board and those of a board of inquiry are not clear to the board.*

On March 7 the board received this reply by command of General Otis from the Assistant Adjutant-general of the department: —

> The papers in this case transmitted from Washington affirmatively show that the principal witnesses are *not in the Philippine Islands.* It must therefore have been contemplated that the proceedings of the board here would *necessarily be partial and incomplete.* It was in the power of the Secretary of War to order a court of inquiry upon his own motion, had he so desired. Instead, he directed the convening of a board of officers to investigate. There is no authority for the swearing of the members of such a board, and such authority could not be granted boards of this character by executive orders. Like boards of survey, to which it is more nearly related than to courts of inquiry, *it may take evidence by affidavit.* It need hardly be pointed out that General Funston should be heard personally and through witnesses.†

From this letter it is clear the Secretary ordered a partial examination of two out of many charges by an unsworn board, where the complainant and his witnesses could not be present, where General Funston and his witnesses were to be heard personally, and where affidavits could be used instead of having witnesses personally examined. Secretary Root, a trained lawyer, knows well that cross-examination is needed to sift testimony, and that a witness on the stand, in the presence of judge or jury, is far more likely to be weighed correctly than if his affidavit only be read. A tribunal thus instructed to hear the defendant and unable to hear the witnesses against him is a tribunal which cannot do justice.

The expected happened. Of the witnesses named by Mr. Hall the board was able to reach Private Husky and Captain Green, both of whom appeared before it, and were interrogated. In the case of Husky his answers were embodied in an affidavit, which was read over to him in the presence of the board; and he acknowledged its correctness. Captain Green, at the request of the board, made a written statement; and General Funston was given the chance to be

* Evidence after p. 1420, pp. 31 and 32. † *Ibid.*, p. 32.

heard, but preferred to submit a written statement, and desired to call no witnesses. He also wished Major Mallory to submit a certificate as to whether he, Funston, had used any influence to prevent a fair and impartial trial.

Husky was one of the privates still in the service to whom Funston's threat, quoted by Mr. Hall, had referred. He was cut off from his former comrades; and to what influences he was exposed in an army whose commander had suggested court-martialling Brenner for giving information, we can only guess. Husky had made an affidavit in which he said that he was Major Metcalf's orderly, and that Metcalf had shot a prisoner while he was unarmed and on his knees.* Hall's letter stated that afterward

> at Manila, in the presence of Colonel Metcalf, Lieutenant Colonel Little, and Captain Boltwood,

Husky made a statement of these facts and all the circumstances to Metcalf, who merely said, "*The boy evidently thinks he is telling the truth,*" and that Metcalf was advised, if innocent, to have Husky court-martialled, but declined to do it.

In the affidavit before the investigating board Husky describes the situation as before, and says: —

> Major Metcalf and Lieutenant Ball were present there, and some one shot a Filipino prisoner, but his [Husky's] attention was drawn to another place, and he did not see the prisoner shot or who did it,

that he heard him shot, and knew he was shot, and "*is not positive that Major Metcalf did not shoot the prisoner.*" He said, further, that his first affidavit was made under the influence of liquor, and was not true, in so far as it stated that the prisoner was brought to Metcalf and shot by him, being at the time on his knees.†

Captain Green said he had no personal knowledge that Metcalf shot the prisoner, all he knows being gathered entirely from hearsay.

> There was more or less talk in the regiment that certain officers had killed some insurgents who had surrendered, but of that I have no knowledge other than that of rumors circulating through the regiment.‡

The board reported that, being limited by the letter of instructions to the consideration of such evidence as was procurable in the Philippine Islands, and having exhausted all such evidence available,

* Evidence after p. 1420, p. 33. † *Ibid.*, pp. 33 and 34.

‡ *Ibid.*, p. 35.

(1) The board is of opinion from the evidence available and before it that there is nothing to show that the said Wilder S. Metcalf . . . did shoot and kill an unarmed Filipino prisoner as charged,

—a carefully guarded finding; and

(2) that Brigadier-general Funston did not use his influence to prevent a fair and impartial investigation of the shooting of certain Filipino prisoners during the battle of Caloocan, and that anything he may have said to General MacArthur on the subject did not affect the conduct and scope of the investigation.*

General MacArthur wrote to the board that he recalled a conversation

when General Funston remarked that the investigation then being made by Major Mallory, inspector-general of the division, was conducted in a very thorough manner, and that he thought that the latitude given in the premises was stimulating the worst element in the regiment to magnify these matters by way of resentment and vindictiveness.†

Funston certifies that, in conversation with General MacArthur,

I said that I regretted very much that the charges against Captain Bishop had ever received official notice, because, in my opinion, Major Mallory's investigation was taking so wide a scope, and he was going into the matter so thoroughly, that officers and men, who had grievances against certain ones of their superiors, were taking advantage of this opportunity of punishing officers for doing their duty.‡

The report of Major Mallory, already quoted, shows nothing of any such attempt, nor does his report or the action of Lieutenant Colonel Crowder give any countenance to this theory.

If we compare these statements of General MacArthur and General Funston with Mr. Hall's charge, they seem to sustain it. General MacArthur says it did not occur to him that General Funston was trying to influence him. Funston says he was not. Mallory says that what Funston said did not influence his action. But it is evident that Funston was not helping or encouraging the investigation, and, on the other hand, that he wanted it stopped.

It is clear on this record that *the grave charge against Funston of ordering that no quarter be given was never investigated at all,* and that such investigation as was had of less serious charges was held at a place and under conditions which make it apparent that the purpose was not to investigate.

* Evidence after p. 1420, p. 21. † *Ibid.*, p. 36.

‡ *Ibid.*, p. 37.

The record must satisfy anybody, as it satisfied Lieutenant Colonel Crowder, that an investigation would have implicated many.* This is the reason avowed by him and by General Otis for not proceeding against men who were guilty of an admitted crime. The action of Secretary Root leaves no doubt as to his attitude; and thus at the outset of the war, before the Filipinos had done more than be defeated with frightful loss, the officers and soldiers of our army were given to understand that the killing of prisoners and wounded men would not be punished.

No one can read this record without seeing

1. That the first impulse of the authorities was to punish the soldier whose true statement led to the investigation.

2. That the attempt was made to have an investigation where the witnesses could not be had, so that it would be possible to claim that no evidence was found to prove the charge, when in fact no real attempt to investigate was made.

3. That the most serious charge was not investigated at all.

What might have been the result, had the witnesses named by Lieutenant Hall been summoned, is shown by the affidavits exhibited to the Committee on Pensions of two eye-witnesses who saw Major Metcalf shoot the prisoner, and of Captain Boltwood, who swore that he was present when Husky accused Metcalf, and that Husky was not drunk when he made his affidavit.†

The Evidence from Statistics as to Killing Wounded Men and Prisoners.

After the battle of Caloocan the evidence on this subject from the official records is overwhelming. Thus the report of Brigadier-general Hughes, commanding Department of Visayas, gives the figures of the enemy's loss thus: "*for August*, 1899, *killed*, 40; *for September, killed*, 10."

October 1 Captain B. A. Poore "*made a second attack on Tabaun Negros. The works were taken by assault.*" Enemy's loss: killed, 21; rifles captured, 12; rounds of ammunition captured, 6,000.

The summary for October is: "*killed*, 59; *captured*, 26."

The summary for November is: "*killed*, 95; *wounded*, 6; *captured*, 4"; for December: "*killed*, 88"; for January, 1900: "*killed*,

* Evidence after p. 1420, p. 29. † *Ibid.*, pp. 5, 39, and 40.

42; *captured*, 10"; for March: "*killed*, 29; *wounded and captured*, 5"; for April: "*killed*, 19; *wounded*, 5"; for May: "*killed*, 134; *wounded*, 21"; for June: "*killed*, 141; *wounded*, 1."

For the year,

> Enemy's loss: killed, 801; wounded, 38; captured, 100; our loss: killed, 40; wounded, 72; drowned 3.*

Take now the report of Major-general Wheaton, commanding the Department of Northern Luzon for April, May, June, and July, 1900,† — Northern Luzon, whose people, as Mr. Root said, "*received us with open arms*": —

	American.	*Insurgent.*
Killed	36	1,014
Wounded	63	95
Captured	12	507

The report of Major-general John C. Bates, commanding Department of Southern Luzon from April 10 to July 31, 1900:‡ —

	American.	*Insurgent.*
Killed	23	610
Wounded	81	214
Missing	2	Captured, 1,742

The losses by guerilla warfare, from Nov. 1, 1899, to Sept. 1, 1900: Filipinos, 3,227 killed, 694 wounded, 2,864 captured.

In a letter to Mr. Herbert Welsh, of Philadelphia, an official of the War Department says: —

> The aggregate killed and wounded [Filipinos] reported by commanding officers is 14,643 killed and 3,297 wounded. . . . As to the number of Filipinos whose deaths were due to the incidents of war, sickness, burning of habitations, etc., we have no information.

The comparative figures of killed and wounded — nearly five killed to one wounded if we take only the official returns — are absolutely convincing. When we examine them in detail and find the returns quoted of many killed and often no wounded, only one conclusion is possible.

In the fiercest battles of the Civil War the proportion was as follows: at Antietam, where we attacked: killed, 2,010; wounded, 9,416; at Fredericksburg, where we charged again and again under

* Report, Lieut.-general commanding army, 1900, part iii., pp. 232 *et seq.*

† *Ibid.*, p. 206. ‡ *Ibid.*, p. 221.

a withering fire of rifles and cannon: killed, 1,180; wounded, 9,028; at Gettysburg, where two veteran armies joined in desperate battle: killed, 2,834; wounded, 13,709; at Cold Harbor, where the carnage was frightful: killed, 1,905; wounded, 10,570.*

In the recent Boer War the proportion is the same. At Magersfontein: killed, 171; wounded, 691; at Colenso: killed, 50; wounded, 847. In all battles from October, 1899, to June, 1900: killed, 2,518; wounded, 11,405.†

In no war where the usages of civilized warfare have been respected has the number of killed approached the number of wounded more nearly than these figures. The rule is generally about five wounded to one killed.

What shall we say of a war where the proportions are reversed? How are these figures explained by the officers in command?

A General's Attempt to explain the Figures.

General MacArthur said:—

> It arises from the fact that our soldiers are trained in what we call "fire discipline"; that is, target practice. In other words, they know how to shoot.‡

He accounts for it also by saying that the Filipinos removed their wounded, adding:—

> We got very few wounded men around Manila. I was amazed myself. I could not account for it until I made some investigation, and found out how they were organized to prevent precisely that thing. In front of my division we buried approximately four hundred men; and I looked round for the wounded, and we found none.§

He admits that "*the Boer is the best individual marksman in the world.*" ‖

Is it to be believed that the best marksmen in the world, opposed to men who notoriously fought in the open, killed only one in four of the men they hit, and that our men killed in many engagements every man they hit, and on an average nearly five out of six? The marksmanship theory is absurd, especially when we read the report of Colonel Garlington, the inspector-general of the division, who on June 30, 1901, writes:—

* Campaigns of the Civil War, Statistical Record, p. 213.

† The Second Boer War, by Captain J. P. Wisser, U.S.A., Appendix.

‡ Evidence, p. 894. § *Ibid.*, p. 896. ‖ *Ibid.*, p. 897.

> Target practice has been, from the necessities of the case, almost entirely neglected. This important part of the modern soldier's education should receive prompt attention, and be vigorously prosecuted. At present the army is largely composed of new men without practice or skill in shooting.*

No soldier certainly can claim that the volunteers who fought in the Philippines were more skilful marksmen than the veterans of Gettysburg and Cold Harbor.

Nor does the explanation that the Filipinos carried off their wounded convince. In almost every case we occupied the field after the battle. The Filipinos were driven off by our fire or our charge. Upon the marksmanship theory they were exposed to a fire under which few men could live. Were the Filipinos, who were carrying off the wounded from the spot where our fire had injured them, proof against our bullets? How did they escape our marksmen? If killed, what became of the wounded they were carrying? If wounded, why did they not swell the list of wounded?

General MacArthur says that the Filipinos were not especially brave, and that "*they did not stand up after the very first battles.*" † Yet they must have been brave to an unheard of degree if, when their comrades were falling and the Americans were rushing on, they remained to gather up all the wounded so that where four hundred were slain not one wounded man was found.

Indeed, General MacArthur himself suggests another reason for the lack of wounded men when, speaking of the fact that the Filipinos fired from ambush, he said: —

> It was a surprising thing that our men were continually walking into bamboo thickets and ravines, and taking their chances without a man being injured; and of course, when the Filipino position was disclosed, *there was a relentless pursuit.*‡

It is not believed that surprise and ambush are uncivilized or barbarous methods of warfare. If so, for what did General Funston receive his promotion?

An Explanation by Private Soldiers.

What is the real explanation? It is found in the statements from the men engaged in the contest, officers and soldiers alike, published in the newspapers of this country; and these statements explain what General MacArthur does not. They are not anonymous.

* Report, War Department, June 30, 1901, p. 143. † Evidence, pp. 897, 898. ‡ *Ibid.*, p. 1929.

Thus A. A. Barnes, of Battery G, Third United States Artillery, writes to his brother, March 20, 1899: —

> The town of Titatia was surrendered to us a few days ago, and two companies occupy the same. Last night one of our boys was found shot, and his stomach cut open. Immediately orders were received from General Wheaton to burn the town and kill every native in sight, which was done to a finish. About one thousand men, women, and children were reported killed. I am probably growing hard-hearted, for I am in my glory when I can sight my gun on some dark skin and pull the trigger.

F. L. Poindexter, of the Second Oregon Regiment, under the same date, describes an attack on a body of natives, and says that on March 18

> reports, which afterwards proved to be somewhat exaggerated, came in that two companies of the Twenty-second Infantry had been literally cut to pieces, having fallen into an ambush. After a hasty consultation it was decided to proceed at once to kill or drive into the lake every native possible to be found in the half-moon district lying between the mouth of the Mateo River and the further end of the lake, a distance of twelve miles.

In the first case a single man is found dead; but how killed, whether wantonly or in self-defence, or by whom, no one knows. In revenge a town is burned, and hundreds of men, women, and children are slaughtered.

In the second case, upon a rumor of a military reverse that turns out to be exaggerated, orders are given to kill the whole population of a district twelve miles long.

General Order No. 100, Section 1, Chapter 28, provides: —

> Retaliation will therefore never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and, moreover, cautiously and unavoidably; that is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence, and the character of the misdeeds that may demand retribution. Unjust and inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of regular war.

Imagine the whole population of a Virginia district put to the sword because Mosby had surprised a detachment, or Winchester burned because a soldier was found dead in the street.

Take the statement made by a correspondent of the New York *Evening Post*, of whom that paper said,—

> The writer has been in a responsible position in Manila ever since the occupation of the island by American troops, [and] his statements can be relied upon to be absolutely accurate and unbiassed.

He writes as follows: —

> In some sections our people have adopted the policy of giving no quarter, and we are getting reports of insurgent bands of from ten to fifty being surrounded and every man killed. Young had one killing of 318 lately, and J. M. Bell a killing of 156, while there have been several ranging from 50 to 100.

Was this charge not true?

The Boston *Advertiser* is a Republican newspaper, and in its columns appeared this statement: —

> The time has come, in the opinion of those in charge of the War Department, to pursue a policy of absolute and relentless subjugation in the Philippine Islands. If the natives refuse to submit to the process of government as mapped out by the Taft Commission, they will be hunted down and will be killed until there is no longer any show of forcible resistance to the American government. The process will not be pleasant, but it is considered necessary.

Who has been the person in charge of the War Department ever since the Taft Commission was appointed, and has not this statement been proved to be true by what has happened since?

On May 3, 1901, General James M. Bell, in an interview printed in the New York *Times*, said: —

> One-sixth of the natives of Luzon have either been killed or died of the dengue fever in the last two years;

and, as Senator Hoar said,

> I suppose that this dengue fever and the sickness which depopulated Batangas is the direct result of the war, and comes from the condition of starvation and bad food which the war has caused.

General Bell is a witness whom the War Department cannot discredit. "*One-sixth of the population of Luzon*" — one in every six of men, women, and children — had either been killed or died in two years. This means 616,000 people. The population of Luzon is estimated by the War Department to be 3,727,488 persons.* How many were killed, and how? General Bell gave a suggestive answer when he said as a part of the same statement:

* Report, Secretary of War, 1901, Appendix D, pp. 153, 154.

> The loss of life by killing alone has been very great, but I think not one man has been slain except where his death served the legitimate purpose of war. It has been thought necessary to adopt what in other countries would probably be thought harsh measures.

A Republican Congressman, who visited the Philippines during the summer of 1901, confirms this answer in an interview published in the Boston *Transcript*, and in other newspapers, on March 4, 1902:—

> You never hear of any disturbances in Northern Luzon; and the secret of its pacification is, in my opinion, the secret of the pacification of the archipelago. They never rebel in Northern Luzon because there isn't anybody there to rebel. The country was marched over and cleaned out in a most resolute manner. The good Lord in heaven only knows the number of Filipinos that were put under ground. Our soldiers took no prisoners, they kept no records; they simply swept the country, and, wherever or whenever they could get hold of a Filipino, they killed him. The women and children were spared, and may now be noticed in disproportionate numbers in that part of the island.

Thus did we here protect "*the patient . . . millions.*"

It is an officer of historic name, then serving in the Philippines, whose wife, at his request, wrote to the Philadelphia *Ledger* a letter, which was published on November 11, 1901, and in which the writer said:—

> The present war is no bloodless, fake, opéra bouffe engagement. Our men have been relentless, have killed to exterminate men, women, and children, prisoners and captives, active insurgents and suspected people, from lads of ten up, an idea prevailing that the Filipino was little better than a dog, a noisome reptile in some instances, whose best disposition was the rubbish heap. Our soldiers have pumped salt water into men "to make them talk," have taken prisoners of people who had held up their hands and peacefully surrendered, and, an hour later, without an atom of evidence to show that they were even insurrectos, stood them up on a bridge, and shot them down one by one to drop into the water below and float down as examples to those who found their bullet-loaded corpses.

This statement, among others, was brought to the attention of Secretary Root when a petition, signed by ex-Senator Edmunds, S. L. Clemens, some thirty-six professors of the University of Chicago, and many other men of equal character and standing, was presented in the Senate of the United States on February 4, 1902, quoting this statement among others and asked for an investigation.

Did Mr. Root then take or has he since taken any steps to investigate these charges?

The Official Attitude of the Army.

What was the official attitude of the army toward the people of the Philippine Islands? How did they carry out the order

> to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring them, in every possible way, that full measure of individual rights which is the heritage of free people, . . . substituting the mild sway of justice and right for arbitrary rule?

On Sept. 30, 1901, General Chaffee, then in command, wrote from Manila to General Hughes: * —

> As a rule, I would not trust fifty per cent. of the male population; and they must not be trusted. It is our duty to suspicion every male inhabitant in these islands; and the proof of any error in this regard must rest with them, not so much in words as by action, which cannot be misunderstood.
>
> While I do not urge inhuman treatment of any person on these islands, it is necessary that we be stern and inflexible; and both officers and men must be cordially supported in their duty in this regard. There is one thing necessary; and that is the wholesome fear by these people of the army, and that every hostile motion of any inhabitants toward the troops will be quickly and severely punished. . . . It is to our interest to disarm these people and to keep them disarmed, and any means to that end is advisable.

What did General Chaffee mean when he spoke of "*inhuman treatment*"? It was singular language for a commander-in-chief to use. "*While I do not urge inhuman treatment.*" It is very different from saying, "*Inhuman treatment of any person is strictly forbidden.*" This letter urged the army to be stern and inflexible, to inspire fear, and left subordinate military officers to decide whether any "*inhabitant*" had made a "*hostile motion,*" and to punish "*quickly and severely,*" promising that officers and men doing this duty would be supported. Is not this order exactly in line with the determination of the War Department as declared by the *Boston Daily Advertiser?*

This order came from the War Department to the Senate. Did Secretary Root ever disapprove it or in any way suggest that such orders could not be reconciled with the "*inviolable rules*" imposed "*upon every division and branch of the government of the Philippines*" to which he pointed in his Youngstown speech, of which the first was that

> no person shall be deprived of life, liberty, or property without due process of law?

* Evidence, p. 1591.

Did he ever point out how this method of suspecting everybody in patient millions of men, and confiding to any subordinate officer the right to punish non-combatants, was to be distinguished from "*Spanish tyranny*"?

The History of Samar.

Let us pass now to Samar, the scene of General Smith's campaign. Under date of August 20, 1901, General Hughes, in command of our forces on that island, reported as follows:*—

> The progress in Samar is satisfactory in some ways, and not in others. The subduing of the fighting propensities of the war faction is reduced almost to a nullity. The growth of our strength in the estimation of the people is also quite satisfactory. The fact is, their love for the flesh-pots, and, incidentally, for the Americans, who represent said pots, is growing burdensome, as the securing of the hemp with which to pay for rice is becoming a heavy business. In nearly all our ports where the commander has exercised good judgment, colonies of natives have come in and settled, and concluded they would set up their lares and penates under our wing. . . . The correspondence the troops have captured shows that the armed forces are deserting and breaking away from the military control of the Vicol leaders.
>
> The unsatisfactory features are the slowness of the process of conversion, the failure to get rifles, and the slowness and the difficulty in making roads and trails; . . . and, while efforts have been made to push things faster, I am entirely satisfied with the results thus far secured.

This report on August 27 was forwarded to Washington by General Chaffee, with an indorsement which concluded: —

> No estimate can be made of the time when the campaign in Samar is liable to close. It will have to be continued until the surrender of Lucban is effected.

Captain H. L. Jackson on August 26 reported that on the 18th he had found Lucban with two officers, "*three riflemen and about twenty bolomen,*" that he charged them, killed three, wounded one officer, and captured the two officers, the wife and child of Lucban, some ammunition, and Lucban's "correspondence and personal effects."† *Apparently, resistance was reduced to a minimum.*

On September 28 occurred the affair at Balangiga, in which a detachment, consisting of three officers, one hospital corps man, and seventy men, were overpowered, and lost in action and retreat all but

* Evidence, p. 1586. † *Ibid.*, p. 1588.

twenty-nine men, of whom twenty-two were wounded; while the enemy's loss was estimated at from fifty to one hundred and fifty killed.

One of the survivors of the garrison gave the history of the disaster before the Senate Committee. This was William J. Gibbs, of Springfield, Mass., who was promoted to be a corporal for his bravery in this fight, and was one of five recommended as deserving a medal of honor. He may therefore be regarded as a reliable witness. From his testimony it appeared that he had served in the Philippines for about three years, that he was one of the detachment sent to Balangiga,— a village of about two thousand inhabitants, living in some two hundred houses, who got their living by chopping down cocoanuts and fishing,— that, after landing, the commander, Captain Connell

> called the officials together, and told them he came there to establish peace and to keep out the surrounding bands of robbers. He told them he wanted them to be peaceable, and, if they were not, he was all ready and prepared to fight.*

Then Captain Connell

> wanted to have things cleaned up around the town, and he went to work and issued a proclamation to have all the natives appear the next morning and clean out the town. The natives appeared to be somewhat reluctant in regard to that. They turned out, but they did not work very hard. And then the next morning they refused to come at all. So he went to work, and sent the men, — each man to a shack,— and forced them to come out, and had a guard placed over the men while they were working in the hot sun. He had two Sibley tents; and "they put the ninety natives in the two Sibley tents, which only held about sixteen soldiers; they could not lie down; they had to stand up. There was not room enough to lie down. They stayed there for two or three days. In the morning Captain Connell would line the natives up, and would issue to them bolos for the purpose of cutting down the underbrush.

Captain Connell began this cleaning up the day he arrived; and, when he sent the soldiers to get the inhabitants,

> everybody was brought out that was able to work,— every man. There were about ninety,

aged from forty-five to thirteen.

> They had these bolos, and they were placed in the line, and had to cut down the underbrush and different stuff, and they stayed there right in the heat of the sun, with about twelve soldiers standing over them; and they were confined in the Sibley tents,* about forty-five

* Evidence, p. 2284.

natives in each tent. The weather was damp, and of course it was the rainy season at that time; and it was very unpleasant all right for the natives, and they started to complain about it. They even wanted a little matting to put on the inside of the tent to keep them from the dampness, but he would not allow that at all.*

After about four days of this treatment the men were allowed to go home and appear in the morning; and they did so, though they worked reluctantly all the while. This went on till about a week before the massacre, when the native chief of police brought seventy-five men from the mountains, who were confined for a week in the Sibley tents; and, though "*it rained more or less during the day*," "*no matting at all was given*" to them. They complained to the soldiers; "*they were afraid to make complaints to the officers*," but were not relieved.

Gibbs was asked,

What sort of a man was Captain Connell? *A.* He did not seem to treat them right in one respect. While the natives were cleaning up the town, he sent out men from the company to destroy all the rice and fish and everything in the line of food that they possibly could. He thought they were taking them to the insurrectos in the mountains.

This rice

was stored in about the same way as we store hay in the barn, perhaps fifteen or twenty bushels in some places. The work of cleaning up the town in the immediate locality was continued consecutively from the time we went there in July until the massacre occurred in September.

In a word, this Captain Connell came to a quiet village, and forced every man in the place, from forty-five to thirteen years of age, to work for months at cleaning the town with soldiers over them, while he destroyed all their food and confined them at night for the time and in the manner described by the witness. Suppose we had heard that a Spanish officer had done this. Truly, it was a strange way to assure them "*that full measure of individual rights which is the heritage of free peoples*," or to prove that the mission of the United States was "*one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule.*"

Singularly enough, these men rose upon their oppressors, and attacked them with the very bolos that the Americans had furnished them; and, singularly also, they tried to surprise them, perhaps remembering that bolos are a poor weapon against rifles. The result was that in this village the American force was cut to pieces, though, as

* Evidence, pp. 2289, 2290.

Mr. Gibbs estimated, one hundred and fifty Filipinos were killed in the struggle. This is the massacre of Balangiga.

On the 10th of October General Jacob H. Smith was assigned to the command of the forces located on the island of Samar, with headquarters at Catbalogan.* Either with knowledge of the facts just stated by the witness Gibbs or without investigation, he undertook to revenge the death of the soldiers killed at Balangiga upon the whole population of Samar, an island which, according to the American Encyclopædia, had in 1881 a population of over 250,000 persons and an area of 5,000 square miles. Shortly afterward there appeared in the newspapers of this country a statement that he proposed to make of Samar "*a wilderness where not even a bird could live.*" It is charitable, if difficult, to believe that Secretary Root did not see this despatch; but it is not possible to believe that no notice reached him of General Smith's purpose.

Certainly there was enough of vengeance foreshadowed in the reports from Manila to make it clear that a restraining hand from Washington was needed. On November 4 the Manila *News*, approving what it narrated, published the following: —

> The transport "Lawton" returned yesterday afternoon from a two weeks' cruise, touching at Catbalogan, Cebu, Perang-Perang, and Davao. On her outward passage she took two hundred Ilocano scouts for the Samar service.
>
> On the arrival of the "Lawton" at Catbalogan, Brigadier-general Smith had been in Samar about ten days; and his strong policy was already making itself felt. He had already ordered all natives to present themselves in certain of the coast towns, saying that those who *were found outside would be shot and no questions asked.* The time limit had expired when the "Lawton" reached Catbalogan, and General Smith *was as good as his word.* His policy of reconcentration is said to be the most effective thing of the kind ever seen in these islands under any flag. All suspects, including Spaniards and half-breeds, were rounded up in big stockades and kept under guard.

The dates show that General Smith gave this large scattered foreign population about ten days' notice to abandon their homes on pain of death. The time limit had expired, and he was enforcing the penalty.

Must we assume that this statement thus published broadcast at Manila did not reach the eye of General Chaffee nor the notice of the War Department? Was any step taken by any one to inquire or to stay General Smith?

* Evidence, p. 1361.

The truth was worse even than the newspaper statement. To quote from Mr. Root's letter to the President of July 12, General Smith gave "*the following oral instructions:*" —

> "I want no prisoners. I wish you to kill and burn: the more you kill and burn, the better you will please me," and, further, that he wanted all persons killed who were capable of bearing arms and in actual hostilities against the United States, and did, in reply to a question by Major Waller asking for an age limit, designate the limit as ten years of age.

It will be observed that the Secretary, after the words "*capable of bearing arms,*" interpolates the words "*and in actual hostilities against the United States.*" These words do not appear in the statement of General Smith's orders made by his own counsel at this trial, as they were quoted in the despatches from Manila, which were never questioned. He said: —

> General Smith did give instructions to Major Waller to "kill and burn" "and make Samar a howling wilderness," and he admits that he wanted everybody killed capable of bearing arms, and that he did specify all over ten years of age, as the Samar boys of that age were equally as dangerous as their elders.

On the 4th of February, 1902, the extract quoted from the Manila newspaper as to General Smith's course was brought to the attention of the Senate in the petition of ex-Senator Edmunds and others already referred to. These gentlemen asked that these charges be investigated, and that orders be given to stop such practices. Secretary Root can hardly plead ignorance of this demand from responsible citizens. Did he take any action either to investigate or to stop? So far as the record shows, none. The order to try General Smith by court-martial was not given till April 15.

Then General Smith was tried by a court composed of high officers on the charge of "*conduct to the prejudice of good order and military discipline,*" in that he gave the order quoted to Major Waller.

The Waller Court-martial.

Major Waller was tried for murder.* He admitted that he had ordered eleven Filipinos, not hostile nor in arms against the United

*He might have been tried for exceptional cruelty if the Manila *Times* spoke the truth in its issue of March 15, 1902. When speaking of Major Waller, it is reported to have said: "In several instances natives *who were captured* were tied to trees and submitted to a series of slow tortures that finally resulted in death, in some instances the victims living for three or four days. The treatment was the most

States, but acting as "*cargadores*," or carriers, for his expedition,—active allies, in fact,—to be shot without trial, because they were suspected of not having got food for our men when they could.

At his trial, Waller pleaded that he had acted under General Smith's orders, and, testifying in his own defence, justified his acts by referring to what had been done by the troops in China, Americans as well as others, saying: "*I shot them. I honestly thought then that I was right, and I believe so now.*" He did not plead sickness, mental excitement nor any like excuse, but openly justified his acts.

The judge advocate, in addressing the court, said, as reported in the despatches, that

> according to the evidence the natives acted in many instances in a highly commendable manner, and maintained that their faithfulness, and not their treachery, had been disclosed before the court.

As reported in the press despatches he said the prisoners

> were lined up for the raffle of death at the sole will and pleasure of Private Davis, a marine who was judge and prosecutor, and professed many arms.

Upon the issue thus presented the court-martial found him not guilty, thus deciding that such killing of allies was not only no murder, but no crime.

General Chaffee, in dealing with the finding, said: "The sending of the natives in question to their death partook more of unlawful retaliation than a justifiable act of war." . . . He points out that Waller, when he gave the order, "was sick, prostrate from fever, suffering acute pain of body . . . and mental anguish concerning the fate of his men," and then says:—

> Giving heed to the mental attitude of Major Waller, as much of the findings of the court as are to the effect that Major Waller is not guilty of murder is approved. But the reviewing authority is at a loss to understand why the court did not find against Major Waller in the minor offence.

It will be observed that Major Waller's acquittal of murder is approved on account of his physical condition and mental anxiety,—a defence which he does not seem to have made, and a defence which

cruel and brutal imaginable. *Natives were tied to trees, and, in order to make them give confessions, they were shot through the legs and left thus to suffer through the night, only to be given a repetition of the treatment the next day, in some instances the treatment lasting as long as four days before the miserable creatures were relieved by death.*"

could not be set up for General Smith, whose orders he claimed to have obeyed.

Lieutenant Day, who executed Major Waller's orders, was also tried and acquitted; and the finding was disapproved on the ground that, owing to Major Waller's condition, he should have disobeyed orders.

These findings throw a flood of light on the attitude of the army, when acts like these are found deserving not even of censure by a court-martial sitting in cold blood months after the event.

The Smith Court-martial.

The disclosures of these trials forced the trial of General Smith; but he was tried not for murder, nor for any violation of the laws of war, but for "*conduct to the prejudice of good order and military discipline.*" He admitted that he gave the orders, and justified them. He did not excuse them on the ground that his words were reckless talk, not understood as an order and not intended to be obeyed. On the contrary, months after the act, when on trial for an offence which shocked the moral sense of mankind, his counsel deliberately admitted that General Smith "*wanted everybody killed capable of bearing arms.*" It was not a reckless phrase used in excited conversation, but the expression of a deliberate wish that was then admitted.

No inquiry, so far as appears, was made as to whether this order was given to others or what action was taken under it, though the article from the Manila *News* already quoted shows that it was a general order, and was obeyed. *The solitary question tried was whether he gave the order to Major Waller, and that was admitted.*

Upon this record a court composed of representative officers of high rank found him guilty, but sentenced him "*to be admonished*" by the reviewing authority. This sentence is described in the Boston *Transcript*, a strong supporter of the administration, as

> the very lightest penalty that could be awarded for such an offence against humanity and the laws of war,

and adds that, had the President done no more,

> the proceedings of the court-martial would have been about as effective as firing a blank cartridge against an armed enemy.

Yet the representatives of the army upon the court-martial were satisfied with this blank cartridge.

Mr. Root's Attitude on the Horrors of Samar.

What was Mr. Root's attitude in this emergency? In transmitting the proceedings of the court-martial on July 12, after certainly a sufficient interval, he quotes the language of the court, as follows: —

> The court is thus lenient in view of the undisputed evidence that the accused did not mean everything that his unexplained language implied, that his subordinates did not gather such a meaning, and that the orders were never executed in such sense, notwithstanding that a desperate struggle was being conducted with a cruel and savage foe.

This language leaves much room for explanation, and is a singular statement in view of General Smith's admission that "*he wanted everybody killed capable of bearing arms.*" This he did mean. What more "*his unexplained language implied*" is not very material.

Nor does it appear that the question whether these orders were obeyed was tried by the court-martial. It was not put in issue, and it may well be doubted whether any real investigation of this question was made.

Still more singular is the suggestion that our forces were engaged in a "*desperate struggle*" with the people of Samar. They encountered hardships in expeditions, but from the difficulties of the country, not from any real resistance. The records show that General Smith's campaign was a search for fleeing natives, and that their resistance was passive. The losses inflicted by the enemy were trifling in comparison with the forces engaged. The real situation in Samar before General Smith began his campaign of vengeance has been given in the words of General Hughes, before quoted. It is hard to understand how the Filipinos could be any more cruel than was General Smith by his own admission.

Mr. Root proceeds: —

> An examination of the evidence has satisfied me that the conviction was just, and that the reasons given for the very light sentence imposed are sustained by the facts. General Smith, in his conversation with Major Waller, was guilty of intemperate, inconsiderate, and violent expressions, which, if accepted literally, would grossly violate the humane rules governing American armies in the field, and, if followed, would have brought lasting disgrace upon the military service of the United States. Fortunately, they were not taken literally, and were not followed. No women or children or helpless persons or non-combatants or prisoners were put to death in pursuance of them.
>
> An examination of the record and proceedings upon the trial of

> Major Waller shows that the instructions in question bore no relation to the acts for which Major Waller was tried, and were not alleged by him as justification for those acts.

This statement of the Secretary as to General Smith's language is not supported by his counsel's statement already quoted, and it is believed that the question whether these orders were executed was never tried. If this belief is unfounded, Mr. Root has only to publish the full record of the proceedings and evidence in the cases of Major Waller, Lieutenant Day, and General Smith. *This has never been done*, and we are left to gather the facts from censored despatches and such bits of the record as the Secretary chooses to print.

It is clear that an order to kill all men capable of bearing arms above ten years of age would not justify the killing of "*women or children or helpless persons*"; but, if the Secretary means that no such persons and no non-combatants or prisoners were put to death by our forces in Samar, his statement is contradicted by strong evidence, and no official investigation of what our forces did in Samar has ever been made. *If there has, when and by whom was it made and with what results?* Let the Secretary, who is so anxious to discover and punish all persons guilty of barbarity, answer this question.

But the Secretary does not stop here. He speaks of "*the massacre of Balangiga*," and says:—

> There the natives had been treated with kindness and confidence: liberty and self-government had been given to them. Captain Connell, the American commander, was of their faith, and had been worshipping in the same church with them.
>
> With all the assurance of friendship our men were seated at their meal among an apparently peaceful and friendly community, when they were set upon from behind and butchered, and their bodies, when found by their comrades the next day, had been mutilated and treated with indescribable indignities.

It may be said, in passing, that, had Secretary Root read the proceedings at Major Waller's trial, he would have found (unless the despatch of April 8 was wrong), General Smith's testimony that the operations at Balangiga "*were according to the rules of war*," except the mutilation of the dead, a piece of impotent savagery, which, however shocking, is not to be compared in the scale of crime with the torture or murder of the living.

But, passing this, we may remember the evidence of Corporal Gibbs as to what "*liberty and self-government*" had been given the

inhabitants of Balangiga, forced at the point of a bayonet to work all day, confined at night as no farmer would confine pigs, while all their food reserves were destroyed. Mr. Root has either been guilty of recklessly false statements, or we may understand once for all what he means by "*liberty and self-government.*"

In either case, what weight can his countrymen give to his words, even in a long-considered and most important official communication? *Where in the Secretary's letter is there a note of genuine manly indignation at General Smith's inhuman order?* What is it but the best apology which he can make for orders which would seem black in the annals of Turkey?

Root answered by the Facts.

Against the statement of this high official let us put the testimony of a well-known man. Stephen Bonsal, in the Boston *Transcript*, said:—

> During my stay in Samar the only prisoners that were made, so far as I know, were taken by Waller's command; and I heard this act criticised by the highest officers as a mistake which they believed he would not repeat when better acquainted with conditions in Samar. . . . If on their march Waller and his men shot any natives they met, their action would be fully covered by the general orders of General Smith. The truth is the struggle in Samar is one of extermination.

How do these words compare with Mr. Root's assertion that "*no non-combatants or prisoners were put to death*"? Has Mr. Bonsal ever been asked to testify before any tribunal or committee?

How does the Secretary's assertion that General Smith's orders were not taken seriously compare with the official report of Major Waller, dated Nov. 23, 1901, from which this passage is quoted?—

> On the march to Liruan the second column, fifty men, under Captain Bearss, in accordance with my orders, destroyed all villages and houses, burning in all one hundred and sixty-five.*

The report describes operations lasting eight days in which the men are said to "*have overcome incredible difficulties*," but, while the loss of the enemy is stated, there is no indication that any American was killed or wounded.

The report says further:—

* Evidence, p. 1603.

> I wish to work southward a little, destroying all houses and crops, and, if possible, get the rifles from Balangiga. This plan has been explained to the general, meeting his approval.*

This with General Smith's indorsement that Major Waller "*carries out my wishes loyally and gallantly*," and his recommendation that he receive another brevet, was forwarded to the War Department with General Chaffee's approval on December 9, 1901.†

Was not Major Waller making Samar "*a howling wilderness*"?

From the orders to take no prisoners at Caloocan, over the graves of one in every six of the people of Luzon, we have a progress, never checked by any word from Washington, to the orders of General Smith in Samar.

The Attitude of Secretary Root as shown by the Records.

But, before this subject is left, the real attitude of the Secretary toward the wanton murder of Filipinos is shown by certain cases which are of record. On February 17 the Secretary sent to Senator Lodge a letter in which he made certain statements to be hereafter dealt with, and enclosed "a memorandum of forty-four officers, soldiers, and camp followers who have been tried, and thirty-nine of them convicted for violation of orders forbidding cruelty, looting, and like crimes."

When we turn to this memorandum,‡ we find it shows trials of ten officers, the last of whom was apparently tried on February 8, 1901.

One of these was convicted of "*firing into town and looting.*"

This would seem to be a clear violation of Rule 44 of General Order No. 100, which is thus given in Secretary Root's letter:—

> Rule 44. All wanton violence committed against persons in the invaded country; all destruction of property not commanded by the authorized officer; all robbery, all pillage or sacking, even after taking a place by main force; all rape, wounding, maiming, or killing of such inhabitants,— are prohibited under penalty of death, or such other severe punishment as may seem adequate for the gravity of the offence.

An officer, of course, as his knowledge and authority are greater and his example more pernicious, should be punished more severely than a private. This officer was sentenced to — *a reprimand.*

The second was convicted of "*assaulting prisoners and cruelty.*" His sentence was $300 *fine and a reprimand.*

* Evidence, p. 1605. † *Ibid.*, p. 1606. ‡ Senate Document No. 205, part i., p. 42.

The third was convicted of "*looting and encouraging the same*," the fourth of "*permitting looting*." Both were sentenced to *a reprimand*.

Two more were convicted of "*torture by causing natives to be hung by the neck for ten seconds*," and will be dealt with later.

Three were acquitted.

The last to be convicted was First Lieutenant Brown of the Second Infantry, who was convicted of "*killing a prisoner of war*," and sentenced to be dismissed from the service and confined at hard labor for five years.

This was clearly a very aggravated case in the eyes of his associates, even in an atmosphere where Filipino lives were not highly valued.

The record sent to Senator Lodge stops with the sentence. For some reason *it did not state that on January 27, 1902, three weeks before the date of Mr. Root's letter, this sentence had been commuted to a loss of thirty-five places in the army list and the forfeiture of one-half his pay for nine months.*

An examination of the record shows that it charged that Brown did

> wilfully, feloniously, and with malice aforethought murder and kill by shooting with a pistol an unarmed, unresisting native Filipino, a prisoner of war in his charge.

Upon this he was convicted of manslaughter, and sentenced as stated.

This guilty man is now with his full rank and pay permitted to command our troops. *Did the Secretary of War recommend this action?*

In a later list * said by the Secretary to contain the names "*of over three hundred and fifty officers and enlisted men*" tried by court-martial for offences against natives sent to the committee on May 6, 1902, we find the names of but two commissioned officers, Lieutenants Capp and Thomas, also mentioned in the first memorandum, who were convicted in 1899, the latter of brutality to prisoners and the former of looting. Lieutenant Thomas's treatment is said in the record to have been "*very severe, and amounted almost to acute torture*"; and his actions "cannot be too much deplored nor too emphatically condemned." His sentence was a fine of $300 and a reprimand.

This last communication contains also the record of a few court-

* Evidence, pp. 2072–2096.

martials, including that of Lieutenant Perkins and Captain Brandle. These were the two charged with torture. In Brandle's case * the court found that Brandle did hang two natives by the neck for ten seconds each on May 26, 1900, but, disliking the word "*torture*," substituted the words "*inflict mental anguish upon*," as if hanging by the neck were physically delightful. Lieutenant Perkins was charged with torturing in this way six natives, and was found guilty of hanging two with the same substitution of "*mental anguish*" in the finding. † General MacArthur in his review makes it clear that the acquittal on three of the charges was on the ground that the names of the men hanged were given erroneously, saying that the evidence warranted a finding of guilty on these

> with only a formal modification . . . to the effect that the real names of the natives were unknown to the court.

Nor did he approve the change from "*torture*" to "*mental anguish*." Yet he approved the sentence of the court which was "a reprimand." The action of the court shows how little indignation at cruelty to Filipinos was felt by the brother officers of the accused.

What does this record of eight convictions for the crimes justly punishable with death,— looting, torture, and murder,— resulting in six reprimands, one fine, and one loss of numbers and half-pay for a few months indicate? *What did it say to the army?*

From the last of 1900 until the court-martials of Waller and Day no officer seems to have been convicted and only one was tried, and he for having improper relations with native women.

By the memorandum first mentioned and sent with the letter of February 17 it seems that between February, 1899, and August, 1901, thirty privates were tried by court-martial, and all were convicted.

There were six cases of rape, two of assault with intent to commit it, two of murdering native women, two of "*wantonly killing a native boy*," two of murder, five of robbery. The others were assaults and looting. Several were sentenced by the court-martial to death, but in each case the sentence was commuted. The other sentences were imprisonment or fine, coupled in some cases with dishonorable discharge and forfeiture of pay. For evidently aggravated offences by law punishable with death, no one was executed. Except the two

* Evidence, p. 2108. † Ibid., p. 2109.

officers who were reprimanded, *no officer or private is tried for torturing a native. No one is tried for wanton burning of villages. No one is tried for killing a prisoner, except Lieutenant Brown; no one for giving no quarter or firing upon non-combatants.** Yet such offences were committed, to the knowledge of the War Department.

Secretary Root in the same letter of February 17 sends specimen orders against such abuses, which contain clear admissions.

Thus General Otis, on February 7, 1899, issued the following order: —

> The burning of houses or the property of the natives or other inhabitants of the island is prohibited, unless the same be used as shelter for the enemy or as places of concealment of contraband of war. . . .
>
> The lives and property of the inhabitants, both native and foreign, will be protected: and they will be permitted to pursue their ordinary avocations without molestation.†

On March 19, 1899, he found it necessary to issue more explicit orders: —

> Commanding generals of divisions will make renewed effort to impress upon the troops of their commands the necessity of exercising the greatest vigilance to insure the protection of private property, not only in this city, but wherever they may be quartered or acting. . . . The burning or looting of houses or buildings of any description or the abuse of unarmed citizens on the part of the troops will be punished ***with the utmost severity known to military law.***†

These are strong words. Yet Lieutenant Capp, a few months later, July 23, 1899, for firing into a town and looting, receives a *reprimand*‡; and Lieutenant Ellison, "*for looting and encouraging looting*," on February 4, 1900, receives the same punishment.‡ "*The utmost severity known to military law*," indeed! And these are the only two officers ever punished at all for these offences, according to Secretary Root's list.

Under date of August 9, 1899, Brigadier-general Young in Luzon says: § —

> It having been reported to the brigade commander that a number of cases of looting, robbery, and other misconduct on the part of

* In the list of court-martials there are nine cases where the offence charged was killing a native. One man for killing three was sentenced to eight years' imprisonment. Two were for killing the same boy. One described in the record as "an act of marked atrocity" was punished by a few years' imprisonment. They all seem to have been ordinary criminal cases.

† Senate Document 205, part i., p. 37. ‡ *Ibid.*, p. 42. § *Ibid.*, p. 38.

United States troops have recently taken place, attention is again invited to the existing orders in regard to such acts.

Under date June 26, 1900, Colonel Murray in Leyte says: * —

> Reliable information having been received by the district commander that native women and children have lately been killed or wounded by indiscriminate shooting on the part of troops of this command, the district commander takes occasion to notify all officers under his command that we are at war with armed insurgents only, and that indiscriminate firing upon natives seen in the country surrounding towns will not be tolerated.

Was anybody punished for the deaths of these women and children? The information was "*reliable*," but there is no record that it was used.

Under date of June 20, 1900, in Cebu this order is issued: * —

> No house or other property will be seized or destroyed by this command except where there is reason to believe the insurgents intend to use the same. The greatest care will be exercised to avoid firing upon natives not in arms against the United States.

Under date of April 28, 1900, Brigadier-general Bell in Southeastern Luzon orders: † —

> The troops in this district will exercise the greatest care and judgment in firing upon natives, in order that they may not fire upon women and children. The promiscuous burning of houses must also be avoided.

In Southern Luzon, June 5, 1900, Major-general Bates says: † —

> Rumors having reached these headquarters that unjustifiably harsh measures have been employed in some instances to extort information from captured ladrones, . . . all persons in the military service in this department are nevertheless warned that no end can be so desirable or important as to justify a departure from the recognized laws of war or a resort to any deliberate measure of cruelty.

In Northern Luzon, General Grant, under date of July 14, 1900, says: * —

> Owing to a large number of complaints reported to these headquarters of ill-treatment of natives on the part of scouting parties in this district, commanding officers are hereby directed to caution their officers and men against harsh and illegitimate treatment of natives.

There were evidently orders enough, and they show what the rules of war forbade in the judgment of our responsible officers.

These orders were obviously not regarded, as their statements

* Senate Document 205, part i., p. 41. † *Ibid.*, p. 40.

show. *Who were punished for disobedience?* Orders made and not enforced are fatal to discipline.

Of outside reliable evidence that the orders against indiscriminate killing, looting, and burning were not obeyed, much has been given; and very much more is available.

It is enough perhaps to remind the reader of the statement, before quoted, made over his own signature by Robert M. Collins, a representative of the Associated Press, which was published just before Mr. Root took office: —

> There has been, according to Otis himself and the personal knowledge of every one here, a perfect orgy of looting and wanton destruction of property.

Where is the evidence that any serious attempt was made to enforce orders which read so well? Certainly, they were not enforced; and Secretary Root was bound to see that they were. With his silent acquiescence, at least, the salutary rules of war laid down in the orders which he himself sends to the committee were ignored.

Mr. Root first denies that Cruelty has been practised.

Let us now proceed to consider what was done to investigate charges of torture or to prevent and punish it. In this letter of February 17 he says that every report of cruelty and oppression brought to the notice of the department * "*has been made the subject of prompt investigation,*" and encloses "*the records of thirteen such inquiries.*" He proceeds:

> You will perceive that in substantially every case the report has proved to be either unfounded or grossly exaggerated. The particular report which was called to the attention of the Senate last week — viz., that the "water cure" is the favorite torture of the American, and especially of the Macabebe, scouts, to force the natives to give information, and that a soldier who was with General Funston had stated that he helped to administer the water cure to one hundred and sixty natives, all but twenty-six of whom died — was already under investigation which is still in progress.
>
> I enclose a copy of a letter received from General Funston, dated Feb. 2, 1902, in which he declares the statement to be "an atrocious lie, without the slightest foundation in fact," and a letter from Lieutenant Batson, the commander of the Macabebe scouts, to the same effect.

He encloses the General Order No. 100 † and says:

* Senate Document No. 205, part i., p. 1. † *Ibid.*, p. 23.

Among these rules you will find the following: —

Rule 16. Military necessity does not admit of cruelty; that is, the infliction of suffering for the sake of suffering or for revenge, nor for maiming or wounding, except in fight, nor of torture to extort confessions. . . .

Rule 56. A prisoner of war is subject to no punishment for being a public enemy. Nor is any revenge wreaked on him by the intentional infliction of any suffering or disgrace by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

He proceeds:

The Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both Americans and friendly natives, and horribly mutilated the bodies of the American dead. That the soldiers fighting against such an enemy, and with their own eyes witnessing such deeds, should occasionally be regardless of these orders and retaliate by unjustifiable severities, is not incredible. . . . That such occurrences have been sanctioned or permitted is not true. A constant and effective pressure of prohibition, precept, and discipline, has been maintained against them. That there has been any such practice is not true. The cases have been few and far between, scattered infrequently over a great area of country along the course of three years of active conflict, through thousands of engagements, and among many thousands of troops. . . . *The war in the Philippines has been conducted by the American Army with scrupulous regard for the rules of civilized warfare, with careful and genuine consideration for the prisoner and the non-combatant, with self-restraint, and with humanity never surpassed.**

This letter was clearly written to deny that there was any truth in the charge that our army had employed torture; and it took the ground, unequivocally, that cruelty and torture were forbidden by the laws of war and the orders of our officers. While admitting that among thousands of troops cases of cruelty might occur, it insisted that a constant pressure of "*discipline*" had been exerted to prevent it. There was no attempt to justify cruelty, only a denial that it had been practised, and for the very reason that it was forbidden by President Lincoln's General Order No. 100.

Mr. Root's Denials of Soldiers' Charges tested.

We may now proceed to test the accuracy of Mr. Root's statements. He says that every charge of cruelty "*brought to the notice of the War Department*" has been investigated. He encloses the records of thirteen such inquiries, and says,

* Senate Document No. 205, part i., p. 1.

> You will perceive that in substantially every case the report has proved to be unfounded or grossly exaggerated.*

The casual reader might infer that in every investigated case the charge was unfounded or exaggerated, but the Secretary's words apply only to the thirteen cases selected. *What other inquiries were made, and what was the result in those?*

An examination of the thirteen cases selected shows that with a single exception the charges investigated were made by private soldiers in letters, which found their way into print. In no case was the investigation by court of inquiry or by court-martial. In almost all the cases the letter was referred to the regimental officers charged with the offence, and their statement usually was accepted. In no case is the text of the letter given in Secretary Root's memorandum, so that it is impossible to compare charges and refutation. In many cases the private who wrote was probably exposed to pressure from his comrades or superiors, while in some cases he was not called to testify. The attempt seems to have been made to create the impression that the charges were made by unreliable and boastful soldiers, and were therefore, to be disregarded.

Even so the statement of the Secretary is not sustained by an examination of the records.

Thus take the case of Lieutenant Hagedorn, charged by a private in his regiment with inhumanly treating certain Filipino prisoners. The method of investigation employed was to ask the accused for a statement, which he made April 19, 1901, from which the following extracts are quoted: —

> The special diet mentioned in this communication was used in June, 1900. . . . All other means of obtaining information about the occurrence [an attack on a detachment] proving failures, I seized three suspicious characters. These on being questioned refused to give any information at all. I then ordered them confined to the stocks with a diet of salt fish without water. This diet had excellent direct results. After forty-eight hours all three gave more or less information, which led to the capture and wounding of one Tagalo, the capture of fifteen guns, etc. . . . On information given by these three, I was enabled to arrest sixty persons that had participated in the attack on Cabagan. These people were put to work in the streets of the town, and were released after three or four weeks.†

Hagedorn defended his action, claiming that he would have been justified in summarily executing these men.

Here was a clear case of torture. Only because it was torture was

* Senate Document No. 205, part i., p. 1. † *Ibid.*, p. 19.

the process effective. The charge of the private was confessed. It was neither "*unfounded*" nor "*exaggerated*." What was done to enforce the excellent orders to which Secretary Root has called attention? Absolutely nothing.

Lieutenant Hagedorn's colonel forwarded his report with the statement that he had been

> most energetic in the performance of his duty. . . . It is believed that he acted in the best interests of the service, even if mistakenly; and it is recommended that no further action be taken on this case.*

In other words, torture helped us, and therefore should not be punished.

Lieutenant Hagedorn was complimented for his zeal; and not even a reprimand for his cruelty was suggested, nor a warning not to torture again. The Secretary by silence approved the torture used in the case because it obtained information, and forgot that "*military necessity does not admit of cruelty*." Lieutenant Hagedorn continued to show the "*patient millions*" how different American freedom is from Spanish tyranny, until he was dismissed from the service for embezzlement and sentenced to two years' imprisonment, as is stated in the Philadelphia *North American*.

Take another of the thirteen cases. Private Jones of Company G, Eleventh Volunteer Cavalry, wrote a letter which described how a body of our troops, in an attempt to capture a Filipino officer, heard the sound of laughter, and, discovering through the woods a house where a large party of Filipinos were attending a wedding, opened fire upon them and killed the bride and some of the guests.†

The investigation showed that a detachment under a native guide toward sunset heard "*loud voices and laughter*." An examination disclosed a large number of natives in a house, and the guide said they were insurgents. The troops undertook to surround the house, and without command opened fire, and continued to fire until the commander threatened to shoot the next man who fired at the house. "*A few, probably three, native armed men were seen*." It was found that the house was new, that in it were "*many women and children*," that

> a number of women and children were found outside, sheltered by the bank of a stream, where they had taken refuge when the firing opened,

that

> the gathering in the house was no doubt that of a celebration or feast of some kind, most probably a wedding,

* Senate Document 205, part i., p. 20. † *Ibid.*, p. 16.

and that

> the casualities were two men and one woman dead, one woman and two children wounded, all natives and found in the building.
>
> The house was destroyed; and, after caring for the wounded as much as circumstances permitted, the command returned to their station.

This charge was true. And, if there was any evidence of exaggeration, it lies, so far as the papers show, in the statement that the investigating officer did not find that either of the killed and wounded men and women were bride or groom,— an unimportant detail. The number killed may have been exaggerated in the letter, but this also is not material in fixing the character of the act.

Had this been done by Filipinos, it would have been denounced by Secretary Root as a savage crime; and so it doubtless appeared to the victims. General MacArthur, however, is content, in transmitting the report, to say: —

> The result was deplorable from every point of view, but was the consequence of one of those unavoidable accidents arising in war. . . . Although the soldier in writing his letter exaggerated in an indefensible manner, the circumstances themselves are so tragic as to arouse a sense of keen regret on the part of all officers concerned.*

There is no thought of punishing the men who without orders fired upon a merry wedding party, and persisted in continuing, though ordered to stop, until threatened with death themselves by their officer. Is this an example of what the Secretary calls "*the constant and effective pressure of . . . discipline*"?

Another case is that of Charles S. Riley, of Northampton; and this throws a stream of light on the character and purpose of the so-called investigation.

Riley, a sergeant in the Twenty-sixth Regiment, the son and brother of reputable men well known in Northampton, wrote home on November 25, 1900, as follows: —

> Arriving at Igbaras at daylight, we found everything peaceful; but it shortly developed that we were really "treading on a volcano." The presidente, the priest, and another leading man were assembled, and put on the rack of inquiry. The presidente evaded some questions, and was soon bound and given the "water cure." This was done by throwing him on his back beneath a tank of water and running a stream into his mouth, a man kneading his stomach meanwhile to prevent his drowning. The ordeal proved a tongue-loosener, and

* Senate Document 205, part i., p. 18.

> the crafty old fellow soon begged for mercy and made full confession. . . . The presidente was asked for more information, and had to take a second dose of "water cure" before he would divulge.

He also stated that the town was burned to the ground.

These charges were at once denounced as a lie in the *Army and Navy Journal* and other papers which supported the policy of the government. It was not then claimed that the "*water cure*" was humane and justifiable. The letter was referred to the commanding officer of Riley's regiment, who reported that Riley said that his letter was published without authority, and then said: —

> The tendency of enlisted men to draw the long bow in such cases is well known. Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in any so-called water-cure proceedings or other threats against the natives on the occasion stated.*

The rest of the report was filled with charges of cruelty against the Filipinos.

No notice was taken of the charge that the town was burned. Thereupon the War Department issued a statement addressed to Professor Bridgman, of Northampton, in which it was said: —

> The Department has looked into this matter, with the result that the officers of Sergeant Riley's regiment, including the major commanding his battalion, the captain of his company, and Sergeant Riley himself, assert positively that no officers or soldiers of the regiment took part in any water-cure proceedings or other threats against the natives on the occasion in question. This has been the invariable result of the investigations that have repeatedly been made as to the foundation for sensational stories sent home by soldiers in letters to their relatives.

Thus Riley was branded as a liar. They thought his story disposed of, *yet it was exactly true.*

It will be observed that he did not say in his letter that *any member of his regiment* took part in the torture. He said *he saw it administered*, and he did. It was administered by men of the Eighteenth Infantry by command of Captain Glenn of the regular army. Lieutenant Conger was in charge of the water detail, and Dr. Lyon directed it. When his statement was investigated, *he told the commander of his regiment* that he had seen the treatment administered; but that fact was carefully concealed in the report. Thus a statement exactly true was made to appear false by a whitewashing report, and

* Senate Document 205, part. i., p. 20.

this shows how much confidence can be placed in the War Department investigations. A system by which the charge is referred substantially to the party accused or his friends is not likely to elicit the truth.

Before the Senate Committee Riley testified, and his testimony was confirmed, that

> "the presidente was tied and placed on his back under a water-tank holding probably one hundred gallons.
>
> The faucet was opened, and a stream of water was forced down or allowed to run down his throat. His throat was held so he could not prevent swallowing the water, so that he had to allow the water to run into his stomach. He was directly under the faucet, with his mouth held wide open. When he was filled with water, it was forced out of him by pressing a foot on his stomach or else with the hands"; and this continued "from five to fifteen minutes." A native interpreter stood directly over this man as he lay on the floor, and "kept saying some one word which I should judge meant 'confess' or 'answer.'" *

When this unhappy man was taken down and asked more questions, he again refused to answer, and then was treated again.†

> *Q.* In front? *A.* Yes, on the stone walk. They started to take him inside the building, and Captain Glenn said, "Don't take him inside. Right here is good enough." One of the men of the Eighteenth Infantry went to his saddle and took a syringe from the saddle-bag, and another man was sent for a can of water, what we call a kerosene can, holding about five gallons. He brought this can of water down from upstairs, and then a syringe was inserted one end in the water and the other end in his mouth. This time he was not bound, but he was held by four or five men and the water was forced into his mouth from the can, through the syringe.

By Senator Burrows:—

> *Q.* Was this another party? *A.* No, this was the same man. The syringe did not seem to have the desired effect, and the doctor ordered a second one. The man got a second syringe, and that was inserted in his nose. Then the doctor ordered some salt, and a handful of salt was procured and thrown into the water. Two syringes were then in operation. The interpreter stood over him in the meantime asking for this second information that was desired. Finally, he gave in and gave the information that they sought, and then he was allowed to rise.
>
> *Q.* May I ask the name of the doctor? *A.* Dr. Lyons, the contract surgeon.
>
> *Q.* An American? *A.* Yes, sir.

* Evidence, pp. 1529 *et seq.* The testimony was confirmed by that of Privates Smith and Davis. Evidence, pp. 1538–1547 and 1727–1736.

† Evidence, p. 1530.

Private Davis testified that he heard Captain Glenn give the order to burn Igbaras, a town of ten thousand people; and it was done. All this the War Department investigation served to conceal.

The subsequent conviction of Captain Glenn (now Major) by court-martial leaves no doubt as to his guilt. What confidence can we place in like investigations?

We have so far dealt with three out of the thirteen charges referred to by Secretary Root as proved to be "*either unfounded or grossly exaggerated.*" It is impossible within any reasonable space to deal at length with the other cases, but this appears on a casual examination.

One Edward Gard wrote home that,

> if we found one still living, we put the finishing touch on him with the butt end of our guns.

On being interrogated by his commander, he wrote that this statement "*is an exaggeration,*" which would seem to mean that this was done sometimes, but not invariably.*

Of this case there was no real investigation, the statement of the commander being that he had not seen such a case, and it could not occur without being reported.

Another charge was that outrages were committed, especially by the First Washington Volunteer Infantry, and this was made April 6, 1899. It was referred to General Otis, who said, after some general observations:

> The conduct of the Washington Volunteers has been the subject of special investigations for some time. They deny wanton burning or cruelties. And still there are strong indications that they practised these infractions to some extent.†

Then follow general statements "*that the army is practicing humane sentiments.*"

Does this show that the charges were not true, and was any pressure of discipline applied here? If so, what?

Another charge grew out of a letter written by Corporal Williams as to the looting of a village called St. Roque before June 1, 1899.

Williams, being asked, said that he wrote the letter, and that the statement was "*substantially true.*"

The captain of his company stated that

* Senate Document 205, part 1., p. 5. † *Ibid.*, p. 6.

> the village of St. Roque was looted by the Iowa Regiment and the other troops stationed at Cavite, that the men helped themselves to what they found and destroyed articles of property they could not use, that the colonel and other field officers did not exert themselves to stop it, and that, while he disapproved of what was done, he did not feel called upon under the circumstances to do anything about it.

The colonel and lieutenant-colonel stated that the town was burned by the insurgents, and that the colonel ordered an officer to take charge of the district, put out the fires, and collect and store all articles of value. The colonel says,

> A part of the property so collected was afterwards removed to Cavite for use of officers and men in the quarters, which were found absolutely bare of furniture when my regiment took station there. These were turned over to the succeeding command.

The lieutenant-colonel confirms this, and adds,

> As to the men, I do not think they took anything of consequence, as the natives had previously been there.

General Otis disposes of the matter contemptuously, saying,

> Soldiers may have picked up some articles of abandoned property, but I do not think to any great extent.*

The testimony of a captain and a sergeant with no reason to falsify is thus ignored; *but was the charge false?*

The next grew out of a letter written just after the first battle, February 4 and 5, 1899, by Edward D. Furman, a private in the First Washington Volunteer Infantry, in which he stated what his regiment did in burning and looting houses. On investigation, Furman said the statement "*is as a whole correct, but the word 'looted' should have been omitted.*"

The judge advocate in his report quotes from his oral statement:

> As to jewelry, some of the men did find some in houses hastily abandoned by the occupants, and in others from which our men were fired upon. Our men sometimes got trace of buried treasure, and dug it up. The most I ever saw was shown by one of our men, some gold in a handkerchief, as much as one could hold in the hand.†

The judge advocate himself says:—

> Captain Albert Otis commands the company to which Furman belongs. He and other officers confirmed the facts of his published letter regarding the burning of houses and the taking and using of

* Senate Document 205, part i., pp. 8–10. † *Ibid.*, p. 10.

> furniture. The individual men behaved badly, they do not doubt; but their evil work was done secretly and in defiance of orders and the general sentiment of the troops. The men did search for money. They also secured many things in the way of mementoes. . . .*
>
> So far as Furman's letter implies general license to steal, rob, and loot generally, they hold it to be false.

From this report we gather also that soldiers whose letters were published had a hard time from their comrades, "*so that a noticeable modification for the better speedily followed*," † as the judge advocate says.

Apparently, Furman's story was substantially true; and yet it does not appear that any of the men "*who behaved badly*" were punished or that any real investigation was made. This was at the very outset, when a stern example was needed. *Where was the "pressure of . . . discipline"?*

In other cases the evidence that the charge was true is not so apparent, and one newspaper despatch was apparently very misleading; but in no case, apparently, was any one punished, and no one can read the series of reports impartially without seeing that there was no real, earnest attempt to detect and punish the offender, but everywhere an effort to minimize, conceal, and palliate.

So much for Secretary Root's statement about the investigations.

Mr. Root's Charges Against the Filipinos.

His statement that "Filipino troops have frequently . . . tortured to death American prisoners who had fallen into their hands, buried alive both Americans and natives," would seem to imply a great many wanton murders of our men "in the course of three years of active conflict, . . . among many thousands of troops." This assertion is best met by the official statistics.

On July 23, 1902, Major James Parker, of the adjutant-general's office, gave out the following figures, published in New York *Tribune* and other papers: —

The total number of troops sent to the islands up to July 16 was 4,135 officers and 123,803 men.

The losses were: killed or dead of wounds, 69 officers and 936 enlisted men; deaths from disease, 47 officers and 2,535 enlisted men; deaths from accidents, 6 officers and 125 enlisted men; drowned, 6

* Senate Document 205, part i., p. 10. † *Ibid.*, p. 11.

officers and 257 enlisted men; suicide, 10 officers and 72 enlisted men; *murdered, 1 officer and 91 enlisted men.*

Out of 123,803 men, only 91, and out of 4,135 officers 1, are said to have been murdered. That they were all murdered by Filipinos is not stated; but, if we assume that they were, and that all these deaths were really murders, Mr. Root will hardly ask us to believe that any considerable number were "*tortured to death*" or "*buried alive.*"

What becomes of his statement that these crimes were frequent?

This total of deaths, weighed against the thousands of Filipinos killed in our first battle and the hundreds of thousands slain since, shows the real nature of our contest, especially when we read Major Parker's statement that there were 2,561 engagements between February 4, 1899, and April 30, 1902, and that

> in almost no case in these engagements did American troops surrender or have to retreat, or have to leave their dead and wounded in the possession of the enemy,

which leaves very few Americans in Filipino hands to be tortured or buried alive.

Our total of killed, officers and men, was 1,005 in 2,561 engagements. Our reported loss in the first battle was 250, which leaves about 750 deaths to be accounted for by 2,560 engagements. Was a war ever more bloodless or more one-sided, less "*desperate*" for the victor?

Mr. Root's Statements as to the Humanity of our Army examined.

With these statistics as a foundation, let us examine Secretary Root's statement:

> The war on the part of the Filipinos has been conducted with the barbarous cruelty common among uncivilized races,

and

> by the American Army with scrupulous regard for the rules of civilized warfare, with careful and genuine consideration for the prisoner and the non-combatant, with self-restraint, and with humanity never surpassed, if ever equalled, in any conflict.*

It may be said, in passing, that the very fact that he has made this statement, and thus taken a strong position on one side of a question,

* Letter to Senator Lodge, Senate Document 205, part i., p. 1.

in fact, unfits him to superintend an investigation which may tend to contradict him.

It is proposed to go further, and show what facts were known to him when he made these statements, and, since he has spoken of investigations made, to *show what charges he failed to investigate*. The department promptly took up some charges of privates still in the service or other uninfluential persons. How did it deal with charges made by men of another sort?

In the first place, when Secretary Root took office, he was confronted with the statement already quoted of Mr. Collins, a perfectly responsible man, confirmed by the testimony attributed to Davis and Bass, two other responsible correspondents, which has already been quoted. These men stood ready to prove the bayoneting of the wounded by our soldiers, the mutilation of Filipino dead, and

> a perfect orgy of looting and wanton destruction of property, and most outrageous blackmailing of the natives and Chinamen in Manila.

These were occurrences during the first year, and certainly such statements demanded investigation.

What did Secretary Root do?

On the other hand, he had then or soon received General Otis's report for the year ending July 30, 1899, which may be searched from beginning to end without finding any charge that the Filipinos had been guilty of cruelty to our men, far less that they had conducted the war "with the barbarous cruelty common among uncivilized races, and with general disregard of the rules of civilized warfare." How stood the balance of civilization on this evidence at the end of the first year?

Some charges from responsible quarters, never investigated, have already been quoted. Here are others.

Let us examine first the records of the War Department, so far as they have been published. Here we find a report of General MacArthur, dated March 16, 1901, submitting a record "*as indicating the difficulty in disciplining native troops.*" In this he says:—

> The employment of a large number of natives has been absolutely necessary, in order to relieve the volunteers and return them to the United States in time. The Macabebes, so far as loyalty to the United States is concerned, are absolutely reliable. I therefore authorized the employment of fifteen hundred as an emergency measure of temporary nature to tide over the transitory period, well knowing

> at the time that we were taking considerable risk as to their getting out of hand and committing excesses.*

The danger of the employment was therefore foreseen and to be carefully guarded against.

The record submitted shows what followed. An anonymous letter signed "*An Outraged Citizen*" was addressed to General MacArthur under date of February 26, 1901, beginning:

> It is simply horrible what the Macabebe soldiers are doing in some of the towns. . . . The Macabebes are committing the most horrible outrages in the towns and *the officers say nothing, but, on the contrary, punish and threaten any persons who make complaint.* . . .
>
> Some twelve days ago some Macabebes went into a house, and four soldiers raped a married woman, one after another, in the presence of her husband, and threatened to kill him if he dared to say anything.
>
> The war will never come to an end this way, nor will the country be pacified. The people are compelled to take to the woods.*

Major Frank B. KcKenna, the inspector-general of the department, was ordered to investigate, and at once went to San Mateo and Montalban, two towns three miles apart. Montalban was the station of the Philippine cavalry whose conduct was complained of; but most of the inhabitants were at San Mateo, having deserted Montalban.

Major McKenna's report is too long to print, but it may be found on p. 1753 of the testimony before the Senate Committee. In substance he recounts numerous cases of most aggravated rape with details sickening in character, many cases of beating and robbery, and one or two of murder. Major McKenna himself saw the marks of violence on the persons of the injured witnesses; and he says,

> At least two hundred people desired to make complaints; and I examined over fifty, until I found that the evidence was merely cumulative.

He notes that Captain Cameron, the commanding officer, believes that the greater part of the complaints were

> fabricated by reason of their intense hatred for his soldiers, and because on the night of February 25 a number of the friends and relatives of the principal people were among the alleged insurgent recruits discovered.

He continues: "There may be something in this, but I hardly

* Evidence, p. 1750.

think it would cause over three hundred families to leave town, as the presidente of San Mateo declared to me was the case."

In passing, we may note that General Wheaton concurred with Major McKenna; for he said in an indorsement on the complaint: —

> I do not agree with the district commander (Colonel J. M. Thompson) in the opinion that these crimes are the result of the bitter feeling between Macabebes and Tagalos. All native troops, when they can escape the immediate control of their officers, are liable to commit murders; and many will rob and ravish whenever they will have the opportunity. . . . The necessity of affairs here obliges us to employ native troops, and these Malay savages will always be liable to commit crimes alike disgraceful to our service and an outrage upon humanity.*

Returning to Major McKenna's report, his conclusion is thus stated: —

> In conclusion, I find, if the almost unanimous testimony of the natives is to be considered, that the Macabebe garrison at Montalban has committed numerous outrages against them; that these acts of violence commenced almost with the arrival of the Macabebes, and occurred at intervals until the night of February 25, when, on that night, they must have indulged themselves in a saturnalia almost of rapine and violence, under the guise of looking for insurgents; that the responsibility for the acts on the night of February 25 belongs to First Lieutenant Dennis P. Quinlan; that the subsequent responsibility for not making searching investigation and bringing to punishment the guilty is due to Captain Cameron, Philippine cavalry.

Before Major McKenna had begun his investigation, notice had been given to Captain Cameron from the district commander, who, under date of February 28, says: —

> At twelve noon to-day the district commander was called upon by a delegation of natives with complaint of ill-usage at the hands of your men at Montalban. As some of these natives are personally known to the district commander, he has reason to believe that their complaint is well founded.

Captain Cameron is directed to investigate and report the facts, and the writer adds,—

> Your men should be made to know that a garrisoned town under protection of United States troops, cannot be treated as one in open insurrection.†

From which it appears that the people of Montalban and San Mateo did not belong to the "bandits" or "guerillas."

* Evidence, p. 1752. † *Ibid.*, p. 1761.

Captain Henderson, in command at San Mateo, adds his confirmation, saying,—

> he has known the people about here for some time, and believes their statements in this respect.*

But it throws a flood of light on the value of the testimony relied on in contradiction of private soldiers, when it comes from commanding officers who are or may be held responsible, that Captain Cameron and Lieutenant Quinlan, the officers of the Macabebes, Second Lieutenant Lloyd, Sergeant Malone, and Corporal Brown, of the artillery stationed at that place, each severally say that they knew nothing of these crimes. Lieutenant Quinlan was on the street on February 25, and saw no case of ill-treatment. Lieutenant Lloyd, "*stationed there for about a month,*" thought

> the Macabebe soldiers had conducted themselves becomingly towards the people of the town †

and said that he was present during the raid on the night of February 25, but saw no acts of violence. The statements of these officers were evidently not believed by General MacArthur, General Wheaton, or Major McKenna, and were obviously untrue.

These hideous acts of barbarity were committed under our flag by men wearing the uniform of the United States, and commanded by American officers.

It would appear that after the investigation some of the Macabebes were punished, but how many does not appear. These facts, however, seem to be clear: —

1. That the Macabebes were employed with full knowledge of what they were likely to do.

2. That the officers in command were blind and deaf to their crimes, and that no movement to control or punish them came from these officers.

3. That, so far as the record shows, *neither Cameron nor Quinlan was tried or punished in any way,* though held responsible by Major McKenna.

Where was the Secretary's zeal to punish the guilty when this record reached the department?

Did he disclose these facts to President Roosevelt before the latter in his annual message singled out the Macabebes for especial praise?

* Evidence, p. 1761. † *Ibid.*, p. 1760.

How does his claim as to the "*careful and genuine consideration for the . . . non-combatant*" read in the light of this record?

Why were not Cameron and Quinlan court-martialled?

The Weir Charges.

On the 10th of April, 1901, Andrew K. Weir, a private in the Fourth Cavalry, wrote a letter to his uncle, charging Lieutenant Frederick T. Arnold and Sergeant Edwards, of his regiment, with outrageous cruelty to a Filipino prisoner, a man twenty-one years old, who was stripped naked, given the water torture in the most revolting way, whipped and beaten unmercifully while he was down, kicked, strung up by the thumbs, and then his ankles tied and his feet jerked from under him. Weir was an eye-witness of this cruelty, and complained to Arnold, who told him:—

> When I give a man to Sergeant Edwards, I want information. I do not know how he gets it; but he gets it anyway.

He also told him that the Filipinos had

> no feelings other than physical, and should not be treated as human beings.

The man so tortured was afterward discharged by Arnold.

Weir charged Arnold also with cutting a strip from a man's ankle, attaching it to a piece of wood, and then coiling the flesh with the wood; with having an old man held under water until he was unconscious; with tying several times a man to a saddled horse with a few feet of slack, and then making the rider gallop, dragging the victim if he could not keep up. For all these charges he said he had the witnesses.

This letter was brought to the notice of the War Department, and was referred for investigation to the inspector-general of Northern Luzon.

On August 27, 1901, this officer, Captain P. W. West of the Fifth Infantry, reported a mass of testimony proving that Weir's charges were true, and concluded,—

> I believe that a thorough investigation into this matter will substantiate the charges made by Private Weir, that prisoners were treated in a cruel and harsh manner, and that Lieutenant Arnold winked at this treatment.

This record was not sent to the Senate by Secretary Root, with the thirteen reports which accompanied his letter of February 17, nor was any action taken on the inspector-general's recommendation.

On May 22, 1902, Senator Culberson introduced a resolution asking for these papers; but consideration was objected to by Senator Lodge, who wished to find whether a court-martial had been ordered. In a few days he said this had been done, but he could not tell when. On May 27 Secretary Root sent a letter stating that a court-martial had been ordered for Edwards, but not for Arnold, and neither he nor any one else has said when this was done.

The inference is clear that no court-martial was ordered before Mr. Culberson's motion. In spite of charges so grave as these, and in spite of the inspector-general's recommendation, Arnold and Edwards were left to ply their hellish trade, and this with full knowledge of the facts by the War Department. Even when these facts were disclosed, there was no indignation against the officers who had disgraced the army, but a tempest of wrath at the man who was supposed to have disclosed the facts.

Kennan's Investigation.

George Kennan is a man of national reputation, and his statements are believed by the American people. He was employed by that strong supporter of the policy of conquest, the *Outlook*, to investigate the charges as to cruelty.

He found them sustained, his conclusions, published in the *Outlook* of March 9, 1901, being as follows: —

> That we have inspired a considerable part of the Philippine population with a feeling of intense hostility toward us, and given them reason for deep-seated and implacable resentment, there can be no doubt. We have offered them many verbal assurances of benevolent intention; but, at the same time, we have killed their unresisting wounded, we hold fifteen hundred or two thousand of them in prison, we have established at Guam a penal colony for their leaders, and we are now resorting directly or indirectly to the old Spanish inquisitorial methods such as the "water torture" in order to compel silent prisoners to speak or reluctant witnesses to testify.

Among other evidence Mr. Kennan quoted from a letter written by an officer of the regular army, who was in fact then serving in Luzon, the following: —

A company of Macabebes enter a town or barrio, catch some man, — it matters not whom,— ask him if he knows where there are any guns, and, upon receiving a negative answer, five or six of them throw him down, one holds his head, while others have hold of an arm or a leg. They then proceed to give him the "water torture," which is the distension of the internal organs with water. After they are distended, a cord is sometimes placed around the body and the water expelled. From what I have heard, it appears to be generally applied; and its use is not confined to our section. Although it results in the finding of a number of guns, it does us an infinite amount of harm. Nor are the Macabebes the only ones who use this method of obtaining information. Personally, I have never seen this torture inflicted, nor have I ever knowingly allowed it; but I have seen a victim a few minutes afterward, with his mouth bleeding where it had been cut by a bayonet used to hold the mouth open, and his face bruised where he had been struck by the Macabebes. Add to this the expression of his face and his evident weakness from the torture, and you have a picture which once seen will not be forgotten. I am not chicken-hearted, but this policy hurts us. Summary executions are, and will be, necessary in a troubled country, and I have no objection to seeing that they are carried out; but I am not used to torture. The Spaniards used the torture of water, throughout the islands, as a means of obtaining information; but they used it sparingly, and only when it appeared evident that the victim was culpable. Americans seldom do things by halves. We come here and announce our intention of freeing the people from three or four hundred years of oppression, and say, "We are strong, and powerful, and grand." Then to resort to inquisitorial methods, and use them without discrimination, is unworthy of us, and will recoil on us as a nation.*

Did Secretary Root take any steps to investigate the truth of these statements before he gave the country to understand that the "water cure" was not used?

Under date of April 25, 1900, an officer vouched for as trustworthy writes from Tarlac, and his statement was published in the Springfield *Republican*: —

We have a company of Macabebe scouts who go out with white troops, and, if they cannot get any guns voluntarily, they proceed to give the fellows the water cure; that is, they throw them on their backs, stick a gag in their mouths to keep it open, then proceed to fill

* This letter was written to an officer in the War Department close to Secretary Root. Did he not see or hear of it?

At the end of his article Mr. Kennan says: —

"We find ourselves following the example of General Weyler, and resorting, — if not forced to resort, — to the old Spanish methods — murder, torture and reconcentration. That such methods are general, or that they have the approval or sanction of any considerable number of American officers, I refuse at present to admit or believe."

This, it must be remembered, was written before the investigation by the Senate Committee, before the campaign of Smith in Samar or Bell in Batangas. Mr. Kennan, on the facts as known to-day, could hardly come to so optimistic a conclusion.

them with water till they cannot hold more. Then they get on them, and a sudden pressure on the stomach and chest forces the water out again. I guess it must cause excruciating agony.

Nor was this the only method of torture employed. Here is a description quoted in the Washington correspondence of the Chicago *Record-Herald*, from John Loughran, who had seen it "administered to natives in the islands during the first year of American supremacy" (which was certainly before the natives had been discovered to be a cruel set of people):—

A light but strong rope is passed across the throat of the man to be examined. It is crossed behind his back and carried under the arm pits, the ends are again brought around the neck and over to the back, turned under the armpits and shoulders, and then the free ends are carried as a girdle around the waist just at the end of the ribs, and tied fast and securely. A stick is put through the ropes where they cross between the shoulders, and then turned to suit. "Will it make a man talk?" Mr. Loughran was asked. "A wooden Indian would make a speech if you gave him the rope cure," he replied. Mr. Loughran says that this was far more effective than the water cure, which is slow. The rope cure often persuaded a native to reveal the hiding-place of his gun; and it did it quickly, because he knew that as soon as he consented to talk the stick would be loosened and would fly back, relieving the agony instantaneously. Of course, if the victim should have a weak heart, he might die of shock; but the native Filipino does not seem to be troubled with the malady.

This letter could be filled with extracts like this from newspapers. The testimony before the Philippine committee proves conclusively that the water torture was regularly used by our troops. Captain Glenn, who administered it, as shown in Panay, was at the time *the judge advocate of the island*, and as such bound to see that violations of the laws of war were punished. It was he who gave the orders to burn Igbaras, which was fired between eight and nine in the morning and by twelve was entirely destroyed. As to the people, "*they only had time to save the clothes they wore at the time*," * was the testimony of Private Smith, who set the fire and who testified also that Lieutenant Conger ordered torture by saying "*water detail*," showing that this was no isolated case.

Corporal Gibbs testified to knowing of the water cure at Catbalogan; † tried to peep in at the windows of the place where it was administered; heard the moans of the victims. He saw the sickly expression on their faces as they came out. He heard that one died,

* Evidence, p. 1540. † *Ibid.*, p. 2303. Note that this was General Smith's headquarters.

and saw his funeral. He testified that the soldiers engaged in administering it were "*usually the interpreter and the American scouts*," that the place of torture was "*right in the rear of the officers' quarters*," and, asked to describe the water used, answered: —

> They would go to the shore and take a tin pan and dish up sand with water, with the salt water, and, if that could not be found, they would get something else that was dirty,

and that they got this "*simply to inflict a more severe punishment upon them*." *

The testimony of First Lieutenant Grover Flint, the son-in-law of the well-known historian John Fiske, is instructive. He testifies that in May, 1900, his company and another were sent out under command of Major Geary, with an advance guard of Macabebe scouts under the command of an American sergeant detailed for the purpose; that, as towns were approached, a skeleton cordon was thrown out, the town surrounded, and

> the Macabebes would then enter the houses and pull out these men and talk with them, and take them down to the well and put them through the test.†

On the next day

> this same thing was repeated, and our men took quite a little part in it, apparently as volunteers. They were not ordered to do so. I know that.†

Flint went over to Major Geary, and said that

> no commissioned officer seemed to be in charge there, . . . and that I would stay there for a while if he wanted me to. He said, "*All right, if you want to.*" ‡

He said he never saw a man die, but heard that men had, and saw one that he thought was going to die. He then described the torture: —

> A man is thrown down on his back and three or four men sit or stand on his arms and legs and hold him down; and either a gun barrel or a rifle barrel or a carbine barrel or a stick as big as a belaying pin,— that is, with an inch circumference,— is simply thrust into his jaws and his jaws are thrust back, and, if possible, a wooden log or stone is put under his head or neck, so he can be held more firmly. In the case of very old men I have seen their teeth fall out,— I mean when it was done a little roughly. He is simply held down and then water is poured onto his face down his throat and nose from a jar; and that is kept up until the man gives some sign or becomes unconscious. And, when he becomes unconscious, he is simply rolled

* Evidence, p. 2305. † *Ibid.*, p. 1766. ‡ *Ibid.*, p. 1767.

> aside and he is allowed to come to. In almost every case the men have been a little roughly handled. They were rolled aside rudely, so that water was expelled. A man suffers tremendously, there is no doubt about it. His sufferings must be that of a man who is drowning, but cannot drown.* . . . I did not stop it, because I had no right to. . . . Major Geary was about sixty yards away.†

The first night he saw about thirty treated between three o'clock in the morning, when they entered the village, and daybreak. It was a village of about a hundred houses. Twenty more were put through the next morning. ‡

He saw it again in January, 1901, where fifteen men were tortured, and no guns obtained: —

> They seemed to be put through as a matter of routine. . . . I don't think they were insurgents. They were Pampangans. It was along the border line. §

He testified further that he had seen

> hamlets, small towns of fifty or sixty houses, burned by the American soldiers. . . . I saw it. . . . I think the idea was at that time that the burning of these villages would drive the people to the woods or to the towns,—a policy of concentration, I think. . . . The people who lived in these houses were apparently engaged in peaceful pursuits. . . . I saw it done in Cuba, under General Weyler, I believe. ‖

These are specimens of much testimony given, and much more that was ready to be given. It is clear that for two years and more the practice was constantly increasing, and that it was used as a matter of course.

On April 8, 1902, a letter from which the following extract is taken appeared in the New York *Evening Post* from a gentleman in Manila who is vouched for as a person of high character and unimpeachable veracity: —

> *Sir*,— . . . The natives do not love Americans, and with good reason. An army column, out, perhaps, burning barrios, falls in with a native. He may be a villager tilling his garden, or a fisherman. The Americans demand information as to the whereabouts of rifles, the location of insurgent bands in the neighborhood, and their cuartel. Now the Tagalog is by nature and by training sullen and disinclined to talk, and conversation becomes doubly difficult when questioner and questioned do not speak the same language. The Tagalog knows perhaps one English word, the universally known "Hello!" and the soldier is equally deficient in Tagalog. Each will know a little Spanish, but not enough to make exchange of ideas even under most favorable

* Evidence, p. 1767. † *Ibid.*, p. 1768. ‡ *Ibid.*, p. 1770. § *Ibid.*, p. 1771. ‖ *Ibid.*, p. 1784.

circumstances at all easy. A native friendly to the Americans, or — God save the mark! — a Macabebe as interpreter, presents awful possibilities for mischief.

Now it must not be forgotten that the native who gives to the Americans information is in an unenviable position. He is not in Manilla or in a garrisoned town where the Americans can protect him, he is among persons unfriendly to our cause; and the friendly native, when he thinks of the gratuitous cruelty of the American soldier, may well hesitate before arousing the antagonism of his Filipino neighbors.

But he who will not must be compelled to divulge information. The past masters in the art of torture are the Macabebe scouts, hereditary enemies of the Tagals. Soldiers will tell you with glee of their hellish tortures. Men are tied up by their thumbs; men are pulled up to limbs of trees and fires kindled underneath them, the heat and smoke compelling submission; men are pounded particularly about the chest, for "you'd be surprised," said a soldier, "how few knocks it takes to cause bleeding at the mouth." Bunches of bamboos tied at one end have the individual rods pushed between the fingers of the hand. When the other end of the bundle is squeezed together, the pain is excruciating.

But the water cure! If the tortures I've mentioned are hellish, the water cure is plain hell. The native is thrown upon the ground, and, while his legs and arms are pinioned, his head is raised partially so as to make pouring in the water an easier matter. An attempt to keep the mouth closed is of no avail: a bamboo stick or a pinching of the nose will produce the desired effect. And now the water is poured in, and swallow the poor wretch must or strangle. A gallon of water is much, but it is followed by a second and a third. By this time the victim is certain his body is about to burst. But he is mistaken, for a fourth and even a fifth gallon are poured in. By this time the body becomes an object frightful to contemplate; and the pain, agony. While in this condition, speech is impossible; and so the water must be squeezed out of him. This is sometimes allowed to occur naturally, but is sometimes hastened by pressure, and "sometimes we jump on them to get it out quick," said a young soldier to me with a smile, — a young soldier, a mere boy hardly ten years out of his mother's lap. I did not wonder when an officer, in answer to my question how often he had seen it, said, "Not often: my feelings too much revolted." Does it seem possible that cruelty could further go? And what must we think of the fortitude of the native when we learn that many times the "cure" is twice given ere the native yields? I heard of one who took it three times, and died.

How often is it given? is a natural question. No one knows. A sergeant told me he had seen it taken by between two and three hundred, by as many as twenty sometimes in a day. Another had seen eighty. An officer saw four, but knew of its happening two hundred times.

Another phase of the subject merits our attention,— the effect upon the American. The unconcerned way in which the soldiers and civilians, too, speak of the water cure, the exulting way in most cases, is the saddest phase of all. The officer's pity for the native undergo-

> ing the treatment is the only expression of sympathy for the Filipino I've heard from the lips of a soldier,— the only one. These things are not lovely, but they are true.

Indeed, what more evidence is needed than that a judge advocate like Captain Glenn himself ordered it, and that, when found guilty by court-martial, he was sentenced to pay a fine of $50, one-half the fine that may be imposed for spitting in a street-car in Boston? This sentence for torture, not isolated but regularly practised, shows how it was regarded in the army. Such toleration of barbarity, which was denied when first charged by every supporter of the war as impossible under the American flag, shows that the practice had become general.

It is only a fresh example of the old rule, that vice, at first shocking, becomes through familiarity attractive. No critic ever made so severe an attack upon the honor of the army as did the court-martial which imposed this farcical sentence for such a crime. Had it not been for the public outcry at home, Captain Glenn would never have been tried.

Is it conceivable that the Secretary of War did not know when he wrote his letter of February 17, denying that the water torture was practised, what had been familiar knowledge in Manila for two years, what had been charged again and again in the newspapers of the United States, and what the records of his own department showed?

Col. Gardener's Report.

The evidence does not end here. On February 7, 1902, after considerable delay, Governor Taft transmitted to Secretary Root the report of Colonel Gardener, the governor of Tayabas province, so that it had been in his possession ten days when he wrote his letter of February 17.

It was the statement of an army officer of excellent standing and the governor of a province.* It contained, among others, the following statement: —

> As civil governor, I feel it my duty to say that it is my firm conviction that the United States troops should, at the earliest opportunity, be concentrated in one or two garrisons, if it is thought desirable that the good sentiment and loyalty which formerly existed to the United States government among the people of this province should be conserved and encouraged.

* Evidence, p. 882., *et seq.*

Being in close touch with the people, having visited all the pueblos one or more times, having lived with them in their homes, I know that such a sentiment once existed. Of late, by reason of the conduct of the troops, such as the extensive burning of barrios in trying to lay waste the country so that the insurgents cannot occupy it, the torturing of natives by so-called "water cure," and other methods, in order to obtain information, the harsh treatment of natives generally, and the failure of inexperienced, lately appointed lieutenants commanding posts to distinguish between those who are friendly and those unfriendly, and treating every native as if he were, whether or no, an insurrecto at heart, this favorable sentiment above referred to is being fast destroyed and a deep hatred toward us engendered. If these things need be done, they had best be done by native troops, so that the people of the United States will not be credited therewith.*

Almost without exception, soldiers, and also many officers, refer to the natives in their presence as "niggers"; and the natives are beginning to understand what the word "nigger" means.*

The course now being pursued in this province, and in the provinces of Batangas, Laguna, and Samar, is, in my opinion, sowing the seeds for a perpetual revolution, or at least preparing the people of these provinces to rise up in revolution against us hereafter whenever a good opportunity offers. Under present conditions the political situation in this province is slowly retrograding, and the American sentiment is decreasing and we are daily making permanent enemies.

In the course above referred to, troops make no distinction often between the property of those natives who are insurgents or insurgent sympathizers and the property of those who heretofore have risked their lives by being loyal to the United States and giving us information against their countrymen in arms. Often every house in a barrio is burned.

In my opinion the small number of irreconcilable insurgents still in arms, although admittedly difficult to catch, does not justify the means employed, especially when taking into consideration the sufferings that must be undergone by the innocent, and its effect upon the relations with these people hereafter.*

A Secretary anxious to discover the truth and to repress barbarity would naturally have sent this report with others to the committee of the Senate. It would be difficult to get more valuable evidence. It was, however, withheld; and its author, denied the opportunity to appear before the Senate Committee, has since been harried by a court of inquiry almost into nervous prostration, if we may believe the newspaper reports. But over all reliable information as to the investigation of his charges the veil of the censorship has been drawn.

* Evidence, p. 884.

The Orders of Bell and Smith.

Finally, the Secretary had before him, when he wrote his letter, the orders of General Bell in Batangas and General Smith in Samar. After one-sixth of the people of Luzon had been killed or died in two years, after the horrors of Macabebe war, after the burning of towns, the torture of prisoners, the terrible slaughter which the evidence discloses, General Bell in Batangas and General Smith in Samar were evidently given what, in the language of the War Department, is called "*a free hand.*"

In General Bell's circular order to station commanders of December 9, 1901, we find him saying:* —

[Telegraphic circular No. 3.]

Batangas, Dec. 9, 1901.

To All Station Commanders:

A general conviction, which the brigade commander shares, appears to exist, that the insurrection in this brigade continues because the greater part of the people, especially the wealthy ones, pretend to desire, but in reality do not want, peace; that, when all really want peace, we can have it promptly. Under such circumstances it is clearly indicated that a policy should be adopted that will as soon as possible make the people want peace, and want it badly.

Commanding officers are urged and enjoined to use their discretion freely in adopting any or all measures of warfare authorized by this order which will contribute, in their judgment, toward enforcing the policy or accomplishing the purpose above announced.

It is not necessary to seek or wait for authority from these headquarters to do anything or take any action which will contribute to the end in view. It is desired that subdistrict commanders accord to their subordinate officers and commanders a degree of confidence and latitude in operations similar to that herein conferred upon them. Such restraint and supervision only should be exercised as is dictated by sound discretion, and as may be essential to securing concert of action and co-operation when desirable, adherence to authorized methods, and a uniform policy and harmonious action in working for a common end. Subordinate commanders and young officers of experience should not be restrained or discouraged without excellent reason, but should be encouraged to hunt for, pursue, and vigorously operate against armed bodies of insurgents wherever they may be found. Considering the comparative morale of our troops and insurgents, and the lack of reliable ammunition and training on the part of the latter, it is not believed there exists any just cause for exceptional caution or apprehension in attacking them boldly. . . .

No person should be given credit for loyalty solely on account of his having done nothing for or against us, so far as known. Neutrality should not be tolerated. Every inhabitant of this brigade should either be an active friend or be classed as an enemy. . . .

† Evidence, p. 1607. All orders of General Bell quoted from are printed in full in Appendix A.

Another dangerous class of enemies are wealthy sympathizers and contributors, who, though holding no official positions, use all their influence in support of the insurrection, and, while enjoying American protection for themselves, their families and property, secretly aid, protect, and contribute to insurgents. Chief and most important among this class of disloyal persons are native priests.

The same course should be pursued with all of this class; for, to arrest any one believed to be guilty of giving aid or assistance to the insurrection in any way or of giving food or comfort to the enemies of the government, it is not necessary to wait for sufficient evidence to lead to conviction by a court, but those strongly suspected of complicity with the insurrection may be arrested and confined as a military necessity, and may be held indefinitely as prisoners of war, in the discretion of the station commander or until the receipt of other orders from higher authority. It will frequently be found impossible to obtain any evidence against persons of influence as long as they are at liberty; but, once confined, evidence is easily obtainable.

BATANGAS, P.I., Dec. 15, 1901.

To All Station Commanders: *

Every proper effort will be made at all times to deprive those in arms in the mountains of food supplies; but, in order that those who have assembled in the towns may not be reduced to want, it is absolutely essential to confiscate, transport to garrison towns, and save for future contingencies, wherever possible, every particle of food supply which may be found concealed in the mountains for insurgents or abandoned at a distance from towns.

In accomplishing this, all means of transportation may be seized and every able-bodied male impressed and marched under guard to transport said food products into towns.

It should not take more than a week to completely clear all outlying districts of food products.

It is the purpose of this order to place the burden of feeding the poor upon the wealthy classes, whose disloyalty has brought on and maintained this war, and upon those who still remain disloyal, especially upon those who are actively sympathizing, contributing to, and otherwise aiding and assisting the insurrection.†

J. F. BELL,
Brigadier-general Commanding.

BATANGAS, Dec. 20, 1901.

To All Station Commanders: ‡

Commanding officers in the provinces of Batangas and Laguna will prepare to send out commands on the 26th of December and every day thereafter until January 1, for the especial purpose of hunting insurgents and disloyal persons, and confiscating and bringing into government storehouses all rice and food supplies found within the jurisdiction of their town and outside the zone of protection. Rice found in the possession of families so situated will, if practicable, be

* Evidence, p. 1614. † See provisions of Sections 21, 37, 38, and 156, General Orders 100.
‡ Evide ce p. 1616.

moved with them to town; that found abandoned or apparently stored in mountains or other places for insurgents will be confiscated. . . . Whenever it is found absolutely impossible to transport it to a point within the protected zone, it will be burned or otherwise destroyed. These rules will apply to all food products.

J. F. BELL,
Brigadier-general Commanding.

[Telegraphic circular No. 14.]

BATANGAS, Dec. 21, 1901.

To All Station Commanders: *

On and after Jan. 1, 1902, all traffic on roads or trails outside of the limit of protected zones for any purpose whatever, and all passing of persons or merchandise to and fro between towns, will be strictly forbidden by all commanding officers in the towns of Batangas and Laguna. No person will be permitted to leave the town without a written pass from the commanding officer thereof, said pass to show length of time the said individual has permission to be absent, where permitted to go, and for what purpose.

Any able-bodied male found by patrols or scouting detachments outside of protected zones without passes will be arrested and confined, or shot if he runs away.

No old and feeble man nor any woman or child will be shot at pursuant to this rule.

[Confidential telegraphic circular No. 18.]

BATANGAS, Dec. 23, 1901.

To All Station Commanders: †

Wherever similar action has not already been taken, commanding officers of all garrisoned towns in the provinces of Batangas and Laguna on the first day of January, 1902, or as soon thereafter as practicable, will, with the exceptions hereinafter noted, arrest all native municipal officials, including cabezas of all barrios, leading principales, members of police force (who have not fully complied with their duty by actively aiding the Americans and rendering them valuable service), and any other person in the community who is known to be or is strongly suspected of being an active aider and abetter of the insurrection, or a sympathizer therewith, who uses his influence against the American government. Though all such persons will be arrested without distinction, it is especially desirable that no guilty principales or prominent persons escape.

Exception made (may) be made of any one of the persons above mentioned who has demonstrated his loyalty by methods mentioned in telegraphic circular No. 3, or who has given secret aid and information of value to the commanding officer; but no neutrals will be spared. The secret repetition of idle rumors or of information that everybody knows is to be considered valueless.

All persons not so arrested will be given to clearly understand that the time has now come when the principal people of each town have

* Evidence, p. 1619. † *Ibid.*, p. 1622.

either got to go prison as suspects or organize and work for peace by notifying insurgents that they will no longer aid or assist them, but will aid the government by denouncing insurgents who secretly enter towns in disguise, by giving to commanding officers all information of insurgent plans and movements that come to their notice, by refusing to contribute any longer either money or food, by assisting in defending the towns against attack, and by doing other things mentioned in telegraphic circular No. 3 to demonstrate their loyalty.

[Telegraphic circular No. 19.]

BATANGAS, Dec. 24, 1901.

To all Station Commanders: *

In order to make the existing state of war and martial law so inconvenient and unprofitable to the people that they will earnestly desire and work for the re-establishment of peace and civil government, and for the purpose of throwing the burden of the war upon the disloyal element, pursuant to provisions of paragraphs 21, 37, 76, and 156, General Orders No. 100, the following expedients *may, in the discretion of subdistrict and station commanders*, be adopted throughout Batangas and Laguna:—

First. Until the re-establishment of civil government and the making of provisions thereby for the repair of roads and performance of other public work, the old Spanish law requiring either fifteen days' free labor or three pesos tax in lieu thereof may be enforced, and road work be begun as soon as it is practicable or safe to do so.

With this purpose in view, lists will be immediately prepared of all the principales, who will have the privilege of either paying three pesos or working; but all other poor people, able-bodied males, will be required to work in turn.

The following order was issued on Christmas Eve:—

[Telegraphic circular No. 22.]

BATANGAS, Dec. 24, 1901.

To All Station Commanders: †

The purpose of the preceding telegraphic circulars of instruction has been to place the burden of the war on the disloyal, and to so discipline the inhabitants that they will become anxious to aid and assist the government in putting an end to the insurrection and in securing the re-establishment of civil government. *Their provisions are based upon the assumption that, with very few exceptions, practically the entire population has been hostile to us at heart.* In order to combat such a population, it is necessary to make the state of war as insupportable as possible; and there is no more efficacious way of accomplishing this than by keeping the minds of the people in such a state of anxiety and apprehension that living under such conditions will soon become unbearable.

Little should be said. The less said the better. The making of threats which cannot be carried out should especially be carefully

* Evidence, p. 1623. † *Ibid.*, p. 1628.

guarded against. Let acts, not words, convey intentions. The more an officer does and the less he says about what he is going to do, the more apprehensive and anxious will become those who are guilty and who wait for what is next to happen. When it becomes necessary to give warning or public instructions, do it dispassionately, and not in a threatening way.

Though it is intended and desired that the policy to be enforced shall be as rigid and relentless as it possibly can be until the people have come to their senses and completely turned against the insurgents, the brigade commander relies upon the sense of duty of every officer and non-commissioned officer and the personal pride and gentility of every enlisted man to effectually preclude looting and other abuses committed for personal advantage. He feels certain that officers and men who have so important a duty to perform, and who are forced to adopt such radical measures to accomplish it, do not wish to reflect serious discredit upon their motives by seeking or desiring any personal advantage.

J. F. Bell,
Brigadier-general, Commanding.

In other words, the military authorities took whole provinces of people apparently pursuing their ordinary avocations, and undertook by every form of oppression — burning their houses, destroying their food, confining them within certain zones, confiscating their property, imprisoning them, or forcing them to work — to make them active agents on our side in this war of conquest.

What General Bell actually did is shown by his report made the day after Christmas: —

Batangas, Dec. 26, 1901.

I have become convinced that within two months at the outside there will be no more insurrection in this brigade. We may not have secured all the guns or caught all the insurgents by that time, and the present insurrection will end and the men and the guns will be secured in time. . . . I am practically sure they cannot remain here in Batangas, Laguna, and a part of Tayabas. The people are now assembled in the towns, with all the visible food supply except that cached by insurgents in the mountains. For the next six days all station commanders will be employed hunting insurgents and their hidden food supplies within their respective jurisdictions. Population of each town will be turned out, and all transportation that can be found impressed to bring into government storehouses all food that is found, if it be possible to transport it. If not, it will be destroyed.

I am now assembling in the neighborhood of twenty-five hundred men, who will be used in columns of about fifty men each. I expect to accompany the command. Of course, no such strength is necessary to cope with all the insurgents in the Phillipine Islands, but the country is indescribably rough and badly cut up. . . . To the ravines and mountains I take so large a command for the purpose of thor-

oughly searching each ravine, valley, and mountain-peak for insurgents and for food, *expecting to destroy everything I find outside of town.. All able-bodied men will be killed or captured.** Old men, women, and children will be sent to towns. This movement begins January 1, by which time I hope to have nearly all the food supply in the towns. If insurgents hide their guns and come into the towns, it will be to my advantage; for I shall put such a pressure on town officials and police that they will be compelled to identify insurgents.† If I catch these, I shall get their guns in time. I expect to first clean out the wide Loboo Peninsula south of Bantangas, Tiasan, and San Juan de Boc Boc road. I shall then move command to the vicinity of Lake Taal, and sweep the country westward to the ocean and south of Cavite, returning through Lipa.

I shall scour and clean up the Lipa Mountains. Swinging northward, the country in the vicinity of San Pablo, Alaminos, Tananan, and Santo Tomas, will be scoured, ending at Mount Maguiling, which will then be thoroughly searched *and devastated.* This is said to be the home of Malvar and his parents.

Swinging back to the right, the same treatment will be given all the country of which Mount Cristobal and Mount Banabao are the main peaks. These two mountains, Mount Maguiling, and the mountains north-east of Loboo are the main haunts of the insurgents. After the 1st of January no one will be permitted to move about without a pass. . . .

These people need a thrashing to teach them some good common sense, and they should have it for the good of all concerned. Sixto Lopez is now interested in peace because I have in jail all the male members of his family found in my jurisdiction, and have seized his houses and palay and his steamer.‡

Let us see now what General Smith's orders were.

The following was issued after Major Waller and others had been at work for some time, as General Smith took command October 10, and Major Waller's report of burning one hundred and sixty-five villages was dated November 23:—

* Does this mean all over ten?

† The only case in which such pressure, whether by torture or otherwise, would be necessary, even on General Bell's theory, would be where men were suspected of being insurgents without proof, and proof was needed. Does Secretary Root believe that evidence given to secure relief from intolerable pressure can be trusted? The rule of law is that even a confession obtained by threats or promises is not to be admitted as evidence, and men find it always easier to accuse others than to accuse themselves.

‡ Sixto Lopez for some time has been and is now in the United States. He has been living openly, attending public meetings, associating with well-known men, writing in the newspapers, stating his position with entire frankness. If he had committed any offence, it has always been in the power of the government to arrest him. This has never been done; but, to punish him or affect his action, General Bell was permitted to put his brothers into jail without any trial or judicial proceeding, and to seize all his property.

[Circular No. 6.]

HEADQUARTERS SIXTH SEPARATE BRIGADE,
TACLOBAN, LEYTE, P.I., Dec. 24, 1901.

*To All Station Commanders:**

The brigade commander has become thoroughly convinced from the great mass of evidence at hand that the insurrection for some time past and still in force in the island of Samar has been supported solely by the people who live in the pueblos ostensibly pursuing their peaceful pursuits and enjoying American protection, and that this is especially true in regard to the "*pudientes*," or wealthy class.

He is and for some time past has been satisfied that the people themselves, and especially this wealthy and influential class, can stop this insurrection at any time they make up their minds to do so; that up to the present time they do not want peace; that they are working in every way and to the utmost of their ability to prevent peace. He is satisfied that this class, while openly talking peace, is doing so simply to gain the confidence of our officers and soldiers, only to betray them to the insurrectos, or, in short, that while ostensibly aiding the Americans, they are in reality secretly doing everything in their power to support and maintain this insurrection.

Under such conditions there can be but one course to pursue, which is to adopt the policy that will create in the minds of all the people a burning desire for the war to cease,—a desire or longing so intense, so personal especially to every individual of the class mentioned, and so real that it will impel them to devote themselves in earnest to bringing about a state of real peace, that will impel them to join hands with the Americans in the accomplishment of this end.

The policy to be pursued in this brigade, from this time on, will be to wage war in the sharpest and most decisive manner possible. This policy will apply to the island of Samar and such other portions of the brigade to which it may become necessary to apply it, even though such territory is supposedly peaceful or is under civil government.

In waging this warfare, officers of this brigade are directed and expected to co-operate to their utmost, so as to terminate this war as soon as practicable, since short severe wars are the most humane in the end. No civilized war, however civilized, can be carried on on a humanitarian basis. In waging this war, officers will be guided by the provisions of General Orders, No. 100, Adjutant-general's Office, 1863, which order promulgates the instructions for the government of the armies of the United States in the field. (Copies of this order will be furnished to the troops of this brigade as soon as practicable. In the mean time commanding officers will personally see to it that the younger and less experienced officers of the command are instructed in the provisions of this order, wherever it is possible to do so.)

Commanding officers are earnestly requested and expected to exercise, without reference to these headquarters, their own discretion in the adoption of any and all measures of warfare coming within the provisions of this general order which will tend to accomplish the desired results in the most direct way or in the shortest possible space of

* Evidence, p. 1571.

time. They will also encourage the younger officers of their commands to constantly look for, engage, harass, and annoy the enemy in the field; and to this end commanding officers will repose a large amount of confidence in these subordinate officers, and will permit to them a large latitude of action and a discretion similar to that herein conferred upon the commanding officers of stations by these headquarters.

In dealing with the natives of all classes, officers will be guided by the following principles: —

First. Every native, whether in arms or living in the pueblos or barrios, will be regarded and treated as an enemy until he has conclusively shown that he is a friend. This he cannot do by mere words or promises, nor by imparting information which, while true, is old or stale and of no value; nor can it be done by aiding us in ways that do no material harm to the insurgents. In short, the only manner in which the native can demonstrate his loyalty is by some positive act or acts that actually and positively commit him to us, thereby severing his relations with the insurrectos and producing or tending to produce distinctively unfriendly relations with the insurgents.

Not only the ordinary natives, but especially those of influence and position in the pueblos, who manifestly and openly cultivate friendly relations with the Americans, will be regarded with particular suspicion,* since by the announced policy of the insurgent government their ablest and most stanch friends or those who are capable of most skilfully practising duplicity are selected and directed to cultivate the friendship of American officers, so as to obtain their confidence, and to secretly communicate to the insurgents everything that the Americans do or contemplate doing, particularly with regard to the movement of troops. In a word, friendship for the Americans on the part of any native will be measured directly and solely by his acts; and neither sentiment nor social reasons of any kind will be permitted to enter into the determination of such friendship.

Second. It will be regarded as a certainty that all officials of the pueblos and barrios are likewise officials of Lukban and his officers, or at least that they are in actual touch and sympathy with the insurgent leaders, and that they are in secret aiding these leaders with information, supplies, etc., wherever possible. Officers will not be misled by the fact that officials of the pueblos pass ordinances inimical to those in insurrection, or by any action taken by them, either collectively or individually. The public acts of pueblo councils that are favorable to the Americans are usually negative by secret communication on the part of the parties enacting them to those in insurrection. Therefore, such acts cannot be taken as a guide in determining the friendship or lack of it of these officials for the American government.

Third. The taking of the oath of allegiance by officials, presidentes, vice-presidentes, consejeros, principales, tenientes of barrios, or other people of influence, does not indicate that they or any of them have espoused the American cause, since it is a well-established fact that these people frequently take the oath of allegiance with the direct object and intent of enabling them to be of greater service to their real

* In other words, those who apparently are most friendly are to be set down as peculiarly hostile.

friends in the field. In short, the loyalty of these people is to be determined only by acts which, when combined with their usual course of conduct, irrevocably binds them to the American cause.

Neutrality must not be tolerated on the part of any native. The time has now arrived when all natives in this brigade, who are not openly for us must be regarded as against us. In short, if not an active friend, he is an open enemy.

Fourth. The most dangerous class with whom we have to deal is the wealthy sympathizer and contributor. This class comprises not only all those officials and principales above mentioned, but all those of importance who live in the pueblos with their families. By far the most important as well as the most dangerous member of this class is the native priest. He is most dangerous; and he is successful because he is usually the best informed, besides wielding an immense influence with the people by virtue of his position. He has much to lose, in his opinion, and but little to gain through American supremacy in these island.

It is expected that officers will exercise their best endeavors to suppress and prevent aid being given by the people of this class, especially by the native priests. Wherever there is evidence of this assistance, or where there is a strong suspicion that they are thus secretly aiding the enemies of our government, they will be confined and held. The profession of the priest will not prevent his arrest or proceedings against him. If the evidence is sufficient, they will be tried by the proper court. If there is not sufficient evidence to convict, they will be arrested and confined as a military necessity, and held as prisoners of war until released by orders from these headquarters.

It will be borne in mind that in these islands, as a rule, it is next to impossible to secure evidence against men of influence, and especially against the native priests, so long as they are at large. On the other hand, after they are arrested and confined, it is usually quite easy to secure abundant evidence against them. Officers in command of stations will not hesitate, therefore, to arrest and detain individuals whom they have good reasons to suspect are aiding the insurrection, even when positive evidence is lacking. . . .

Others of his orders are counterparts of those issued by General Bell, the phraseology being the same.

Here, then, were several great provinces placed under the heel of two military officers, who started by assuming that the entire population was hostile, who regarded the most friendly behavior as especial evidence of hostility, who imparted their suspicions to their subordinates, urged them to act without consulting headquarters, and then began a campaign of reconcentration, devastation, and extermination. The only evidence of friendship that was to be accepted substantially was pointing out guns or insurgents, and the natives were to be subject to what General Bell calls once an "*unsupportable*" and once "*intolerable*" pressure.

Evidence thus obtained must be unreliable, as it always has been in every age and every country; and General Bell himself furnishes the proof in the following despatch:—

BATANGAS, Jan. 9, 1902.

To All Station Commanders: *

Information reaching these headquarters indicates that the hardship and pressure which has been placed upon the people by the campaign has caused them, in seeking revenge or means of self-defence, to resort to their well-known expedient of false denunciation. Inasmuch as this custom is both a pernicious nuisance and might become a serious impediment to the success of military operations, commanding officers in the provinces of Batangas and Laguna will promptly bring to trial by provost court, for conduct prejudicial to good order and military operations, any person who makes a false denunciation, whenever it can be established to the satisfaction of the commanding officer that said false denunciation has been knowingly and viciously made for purposes of revenge, of self-defence, of clouding the real issue, of throwing discredit upon the transactions, motives, or testimony of material witnesses, or for any other purpose.

Inasmuch, however, as it is not intended to prevent or discourage the making of legitimate complaints, commanding officers will take great pains to investigate carefully and bring no one to trial until it has been clearly ascertained that they have made false denunciations knowingly and purposely, with vicious intent.

Any kind of defiance of the government or disloyal manifestations against measures adopted by it to put an end to insurrection, in this brigade, will be suppressed at once. These people must be taught the necessity for submission to the legally constituted authority, and this can be properly done in one way only,—by firm and relentless repressive action.

J. F. BELL,
Brigadier-general commanding.

Who were the men who as commanding officers, or provost courts, held absolute sway over thousands of men? They were various subordinate officers, without judicial experience, unfamiliar with the language of the witnesses, and with every passion and prejudice inflamed against the people whom they were set to govern or try by such orders from their superiors as have been quoted.

This was carrying out President McKinley's standing order that

> it should be the earnest and paramount aim of the military administration to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring them in every possible way that full measure of individual rights which is the heritage of free peoples.

We have here concentration, devastation, the destruction of food

* Evidence, p. 1631.

and dwellings wherever found outside the "*protected zones*," killing, and every feature of the most barbarous war.

How such orders appear in the execution may be gathered from the following letter written to Senator Hoar by Clarence Clowe, of Seattle, on June 10, 1900, at a time when we were supposed to be pursuing "*the magnanimous and benevolent policy*" of which General Bell speaks in his order of December 13, 1902. It was about sixteen months after hostilities began.

> At any time I am liable to be called upon to go out and bind and gag helpless prisoners, to strike them in the face, to knock them down when so bound, to bear them away from wife and children, at their very door, who are shrieking pitifully the while, or kneeling and kissing the hands of our officers, imploring mercy from those who seem not to know what it is, and then, with a crowd of soldiers, hold our helpless victim head downward in a tub of water in his own yard, or bind him hand and foot, attaching ropes to head and feet, and then lowering him into the depths of a well of water till life is well-nigh choked out, and the bitterness of a death is tasted, and our poor, gasping victims ask us for the poor boon of being finished off, in mercy to themselves.
>
> All these things have been done at one time or another by our men, generally in cases of trying to obtain information as to the location of arms and ammunition.
>
> Nor can it be said that there is any general repulsion on the part of the enlisted men to taking part in these doings. I regret to have to say that, on the contrary, the majority of soldiers take a keen delight in them, and rush with joy to the making of this latest development of a Roman holiday.

Secretary Root approved this Policy.

Yet Secretary Root approved all this. In his letter of May 7, 1902, to the president of the Senate, he says that the orders of General Bell of December 8, December 9, and December 13, were received by the department on January 17, 1902.

He says that these orders were "*based upon*," and

> were in strict conformity both with the letter and spirit of these instructions,*

that

> the War Department saw no reason to doubt that the policy embodied in the above-mentioned orders was at once the most effective and the most humane which could possibly be followed; and so, indeed, it has proved,

* General order 100.

since, as he says, the

> guerilla warfare in Batangas and Laguna and the adjacent regions has been ended, the authority of the United States has been asserted and acquiesced in, and the people who had been collected and protected in the camps of concentration have been permitted to return to their homes and resume their customary pursuits in peace.

Surely, an amazing sentence, when we remember that outside the camps their homes had been burned, and their food and other property destroyed or carried away in great part, if not wholly. Can such "*devastation*" as General Bell describes in his letter to General Wheaton be carried out and any home worth having be left? Literally, history repeats itself; and the American Secretary of War "*makes a solitude, and calls it peace.*"

Secretary Root continues:—

> The War Department has not disapproved or interfered in any way with the orders giving effect to this policy; but has aided in their enforcement by directing an increase of food supply to the Philippines for the purpose of caring for the natives in the concentration camps.

The Policy not justified by General Order No. 100.

Are such orders justified by the general order promulgated by President Lincoln? *

References to this general order are made in several of General Bell's orders. Let us see what they are. He says:—

> 1. No station commander will put any one to death as a measure of retaliation for assassination, under Section 27, 28, 34, and 148, without obtaining authority from a superior commander; nor will the death penalty be inflicted in any case without similar authority.

Let us see how these sections read:—

> Sect. 27. The law of war can no more wholly dispense with retaliation than can the law of nations, of which it is a branch. Yet civilized nations acknowledge retaliation as the sternest feature of war. A reckless enemy often leaves to his opponent no other means of securing himself against the repetition of barbarous outrage.
>
> Sect. 28. Retaliation will therefore never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and, moreover, cautiously and unavoidably; that is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence and the character of the misdeeds that may demand retribution.

* These general rules are given in full in Senate Document 205, part i., p. 23.

> Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of regular war, and by rapid steps leads them nearer to the internecine wars of savages.

Section 34 merely provides that the property belonging to churches, hospitals, charitable and educational institutions, etc., is not generally to be regarded as public property, which a victor may seize as belonging to the hostile nation.

> SECT. 148. The law of war does not allow proclaiming either an individual belonging to the hostile army or a citizen or a subject of a hostile government an outlaw, who may be slain without trial by any captor, any more than the modern law of peace allows such intentional outlawry. On the contrary, it abhors such outrage. The sternest retaliation should follow the murder committed in consequence of such proclamation made by whatever authority. Civilized nations look with horror upon offers of rewards for the assassination of enemies, as a relapse into barbarism.

These provisions surely do not justify but rather condemn General Bell's orders.

If "*retaliation shall only be resorted to after careful inquiry*," and if even an enemy may not be proclaimed an outlaw, surely a general has not the right to assume that whole provinces of peaceful citizens are enemies, and then to proceed against them all in the manner directed by General Smith and General Bell.

General Bell, in the order of December 9, also says: —

> Particular attention is invited to the last paragraph of Section 52, in particular reference to possible repetitions of the Balangiga affair.

There were no repetitions, and therefore no occasions for applying this provision. Let us, however, quote it: —

> SECT. 52. No belligerent has the right to declare that he will treat every captured man in arms of a levy *en masse* as a brigand or bandit. If, however, the people of a country, or any portion of the same, already occupied by an army, rise against it, they are violators of the laws of war, and are not entitled to their protection.

This surely does not justify an officer in assuming that a whole people are "*hostile in heart*," and therefore, though they are peaceful, treating them as if they had risen. It is the overt act, not the inevitable feeling of the conquered, at which this article is aimed.

These are the only sections of General Order 100 referred to in General Bell's orders of December 8 and 9, 1901. The order of December 13 charges the Filipinos with various violations of the laws

of war; and, without an exception, the provisions so quoted provide for the punishment and fix the status of the guilty parties. Not one of the rules permits a military commander to *assume* that a given person has been guilty of such offences, far less to give all his subordinates power to make such assumption, and still less to assume that whole communities are guilty, and to burn, kill, and devastate accordingly.

Among the violations charged is this:—

> *Third.* In order to confuse their identity, and thereby be able the more safely to conduct their skulking operations, they have adopted the uniform of our army and native troops, without any plain striking and uniform mark of distinction of their own.

Was it not an officer of our army who clothed Macabebes and their commander in the *uniform of the Filipino army*, and by this deceit, aided by food furnished by Aguinaldo at his request, obtained access to Aguinaldo's camp, and there without notice fired upon him and his followers? Was he not for that highly praised and made a brigadier-general? Was that a "*skulking operation*," and are the Filipinos savage outlaws for following an example so much admired by us?

General Bell, however, claims the right of retaliation, under the provisions of Section 59 and 148,

> whenever the duly and carefully ascertained conditions and circumstances warrant the same, under the restrictions imposed in Section 28.

The latter and Section 148 have been quoted and discussed.

> SECT. 59. A prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities. All prisoners of war are liable to the infliction of retaliatory measures.

The first clause means that a man who has violated the laws of war may be punished when caught, but it does not mean that his guilt may be assumed.

The second clause applies to such a case as occurred during the Civil War, when our purpose to hang certain captured privateersmen as pirates was met by the Confederate threat to hang some of our captured officers if we persisted.

Peaceful citizens are not prisoners of war, nor were Bell's orders retaliation. General Order No. 100, Section 49, settles this.

> SECT. 49. A prisoner of war is a public enemy armed or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation.
>
> All soldiers of whatever species of arms, all men who belong to the rising *en masse* of the hostile country, all those who are attached to the army for its efficiency, and promote directly the object of the war, except such as are hereinafter provided for, all disabled men or officers on the field or elsewhere, if captured, all enemies who have thrown away their arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences as well as entitled to the privileges of a prisoner of war.

It is clear that the whole population of a province which has been occupied do not become prisoners of war, and the provisions quoted do not justify the orders.

Nor does General Bell claim this. He only cites Sections 59 and 148 as authorizing him to execute a prisoner of war, chosen by lot, whenever an assassination occurs of an American or a friendly native.

He then calls attention to "*the last paragraph of Section* 29, *and to the provisions of Section* 134."

The first reads as follows: —

> The more vigorously wars are pursued, the better it is for humanity. Sharp wars are brief.

This does not mean that the laws of war are repealed. Otherwise why the other 156 sections of the order? It means "*Fight hard, but remember the rules.*"

Section 134 reads: —

> The commander of an occupying army may require of the civil officers of the enemy and of its citizens any pledge he may consider necessary for the safety or security of his army, and upon their failure to give it may arrest, confine, or detain them.

Does that mean that without *any demand* for or *failure to give pledges* he may burn their dwellings, devastate their country, and kill them? It is idle to contend that this provision justifies these orders.

In an order of December 15, 1901, General Bell says: —

> Though Section 17, General Orders 100, authorizes the starving of unarmed hostile belligerents as well as armed ones, provided it leads to a speedier subjection of the enemy.

Section 17 does say: —

> It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy.

But does the word "*belligerent*" mean nothing? Is it lawful to starve a people who are pursuing their peaceful avocations, if the military commander chooses to assume that they are "*hostile at heart*"?

Later, in the same order, General Bell refers to Sections 21, 37, 38, and 156 of General Orders 100, and again to Section 76, as justifying his policy of making "*the existing state of war so inconvenient and unprofitable to the people*," or, as he elsewhere says "*intolerable*," as to make them desire peace.

Section 21 is a general statement: —

> The citizen or native of a hostile country is thus an enemy as one of the constituents of the hostile state or nation, and as such is subjected to the hardships of the war.

This does not mean that he is not also protected by the laws of war.

> SECT. 37. The United States acknowledge and protect in hostile countries occupied by them religion and morality, strictly private property, the person of the inhabitants, especially those of women, and the sacredness of domestic relations. Offences to the contrary shall be rigorously punished.
>
> This rule does not interfere with the right of the victorious invader to tax the people or their property, to levy forced loans, to billet soldiers, or to appropriate property, especially houses, lands, boats or ships, and churches for temporary and military uses.
>
> SECT. 38. Private property, unless forfeited by crimes or by offences of the owner, can be seized only by way of military necessity for the support or other benefit of the army of the United States.
>
> If the owner has not fled, the commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity.

In other words, the rule is to respect private property. The exceptions are the right to tax, and to take property for temporary purposes for the use of the army upon giving receipts. Wherein, then, is found the right to burn houses, to confiscate the property of non-combatants, to hunt and kill people, to lay waste a province?

> SECT. 76. Prisoners of war shall be fed upon plain and wholesome food, whenever practicable, and treated with humanity.
>
> They may be required to work for the benefit of the captor's government according to their rank and condition.
>
> SECT. 156. Common justice and plain expediency require that the military commander protect the manifestly loyal citizens in revolted territories against the hardships of the war as much as the common misfortune of all war admits.
>
> The commander will throw the burden of war, as much as lies within his power, on the disloyal citizens of the revolted portion or

province, subjecting them to a stricter police than the non-combatant enemies have to suffer in regular war; and, if he deems it appropriate, or if his government demands of him that every citizen shall by an oath of allegiance or by some other manifest act declare his fidelity to the legitimate government, he may expel, transfer, imprison, or fine the revolted citizens who refuse to pledge themselves anew as citizens obedient to the law and loyal to the government.

Whether it is expedient to do so, and whether reliance can be placed upon such oaths, the commander and his government have the right to decide.

In these carefully guarded provisions can any one find the words "*kill*," "*burn*," "*devastate*," or any equivalent? Are not the rights of "*non-combatant enemies*" especially guarded?

Can any one contend that these rules justify General Bell's orders, or contemplate the policy of "*unsupportable pressure*" upon *non-combatants* through concentrations, enforced labor, and all that was done in Batangas, and *done not because the army needed the labor* or the property, but to make them "*want peace and want it badly*."

Nor do we find anything that justifies action on such a sweeping assumption as we find in General Bell's order of January 23, 1902.

> Inasmuch as it can be safely assumed that at one time or another since this war began every native in the provinces of Batangas and Laguna (and in the provinces of Cavite and Tayabas also) has, with exceedingly rare exceptions, taken some part in aiding and assisting the insurrection against the United States, they have all rendered themselves liable.*

In other words, men who had repented and surrendered were to be treated as if still belligerent.

Two more general sections are referred to:—

> SECT. 7. Martial law extends to property and to persons, whether they are subjects of the enemy or aliens to that government.
>
> SECT. 14. Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern law and usages of war.

Not any measure, but only such as "*are lawful according to the modern law and usages of war*."

It is believed that all sections have now been quoted on which General Bell and General Smith relied to justify their barbarous policy.

If these provisions were all, they would not warrant what was done

* Evidence, p. 1632.

any more than they warrant the poisoning of wells or the killing of children, though these measures might make an enemy "*want peace and want it badly.*"

But there are other sections equally important and controlling, which define "*the modern law and usages of war,*" as Secretary Root well knew; and some of them were quoted in his letter of February 17, already cited; and of these the first was: —

> *Rule* 16. Military necessity does not admit of cruelty; that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions.

Here are some others: —

> SECT. 4. Martial law is simply military authority exercised in accordance with the laws and usages of war. Military oppression is not martial law: it is the abuse of the power which that law confers. As martial law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity,— virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.
>
> SECT. 12. Whenever feasible, martial law is carried out in cases of individual offenders by military courts. But sentences of death shall be executed only with the approval of the Chief Executive, provided the urgency of the case does not require a speedier execution, and then only with the approval of the chief commander.

Surely there is no warrant in these for "*an intolerable pressure,*" nor do they empower a commander upon an assumption of local hostility to kill and burn, far less to give this power to his subordinates.

> SECT. 15. Military necessity admits of all direct destruction of life or limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contests of the war: * it allows of the capturing of every armed enemy and every enemy of importance to the hostile government or of peculiar danger to the captor: it allows of all destruction of property and obstruction of the ways and channels of traffic, travel, or communication, and of all withholding of sustenance or means of life from the enemy, of the appropriation of whatever an enemy's country affords necessary for the subsistence and safety of the army, and of such deception as does not involve the breaking of good faith, either positively pledged regarding agreements entered into during the war or supposed by the modern law of war to exist. Men who take up arms against one

* There is a marked difference between this temperate rule and an order to search the country, and "kill or capture every able-bodied man"; and no man with eyes can fail to see the difference. General Smith ordered killing only.

another in public war do not cease on this account to be moral beings responsible to one another and to God.

Section 16, of which the Secretary quotes a part, contains also this: —

> Military necessity does not admit of . . . the wanton devastation of a district.

Nor can a commander justify such devastation by suspecting every inhabitant of being hostile at heart. Otherwise the rule is idle.

> SECT. 25. In modern regular wars of Europeans and their descendants in other portions of the globe, protection of the inoffensive citizen of the hostile country is the rule: privation and disturbance of private relations are the exceptions.
>
> SECT. 44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offence.

Yet such practices must make the inhabitants of a hostile country "*want peace, and want it badly.*" Can an officer on that account order his men to do these things on plea of military necessity?

> SECT. 56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.
>
> SECT. 60. It is against the usage of modern war to resolve in hatred and revenge to give no quarter. No body of troops has the right to declare that it will not give, and therefore will not expect, quarter. But a commander is permitted to direct his troops to give no quarter in great straits, when his own salvation makes it impossible to cumber himself with prisoners.

No one can pretend, in the face of the facts and figures, that such an emergency existed in the many cases where no prisoners were taken, or presented itself to Generals Smith and Bell.

> SECT. 68. Modern wars are not internecine wars, in which the killing of the enemy is the object. The destruction of the enemy in modern war, and, indeed, modern war itself, are means to obtain that object of the belligerent which lies beyond the war.
>
> Unnecessary or revengeful destruction of life is not lawful.
>
> SECT. 71. Whoever intentionally inflicts additional wounds on an enemy already wholly disabled, or kills such an enemy, or who orders or encourages soldiers to do so, *shall suffer death*, if duly convicted, whether he belongs to the army of the United States or to the enemy.

General Smith did desire "*all persons killed who were capable of bearing arms*," and he *encouraged his soldiers to do so*. He was duly convicted, and suffered — *a reprimand*.

> SECT. 75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.
>
> SECT. 76. Prisoners of war shall be fed upon plain and wholesome food, whenever practicable, and treated with humanity.

Can any one read these provisions, and not see that a general sentence to death of "*all able-bodied inhabitants*," without any pretence of trial, or a general order to burn and devastate are forbidden, and that there is no warrant for the policy of reconcentration on suspicion?

Can any one explain why Major Glenn, who practised and justified torture, should be sentenced to a month's vacation and a fine of $50 under articles like these?

The plea of military necessity is the usual "*tyrant's plea*," and would justify anything, if the discretion of the commander is unfettered. It is peculiarly specious in this case

Can any one pretend that it is more necessary to subjugate the Filipinos than it was to save the very life of the nation in the Civil War? Was it not vital then that we should know the enemy's plans? But should we have tolerated for a moment the torture of captured Confederates in order to discover these plans, or the torture of Virginia farmers in order to find where Mosby's guerillas kept their arms? The question answers itself, and answers the plea of necessity.

But Secretary Root, with these provisions before him, says that the written orders of Bell and Smith were all justified.

He does not stop there. He does not even consider them severe.

SECRETARY ROOT CONSIDERS THIS POLICY HUMANE.

On February 17, the very day on which Secretary Root wrote the letter to Senator Lodge which has been quoted, General Miles addressed him a letter which contained this statement: * —

> It is now three years since the opening of hostilities between the

* This whole correspondence is published in the *Army and Navy Journal* of New York of April 5, 1902.

> United States forces and those in the Philippine Islands, and this warfare has been conducted with marked severity.

Secretary Root in reply on March 5 said: —

> It is not the fact that the warfare in the Philippines has been conducted with marked severity. On the contrary, the warfare has been conducted with marked humanity and magnanimity on the part of the United States.

When Secretary Root said this, he had before him the orders and the records which have been quoted, though he denies knowing of General Smith's verbal orders. As has been shown, however, they had been called to his attention by petition to the Senate a month before, and the cable to Manila was unbroken.

General Miles is the commander of the army, and a man of very wide experience, extending almost from his boyhood till now. He has fought his countrymen in the South and Indians in the West. To him it seemed that the war had been conducted "*with marked severity*."

Yet Secretary Root denied this, and on the same evidence asserted that it had been conducted "*with marked humanity*."

Which is at fault upon the facts known, the Secretary's standard of truth or his standard of humanity?

Let us cite against him the highest authority:

General Grant was the President in 1870, Mr. Fish was the Secretary of State, and the Cuban rebellion was in progress. The Springfield *Republican* contains an instructive comparison, in which General Bell's account of his operations in Batangas is printed in parallel columns with a letter of Mr. Fish conveying General Grant's protest against what Mr. Root would seem to consider humane warfare: —

General Bell's Report.	Secretary Fish's Letter.
For the next six days all station commanders will be employed hunting insurgents and their hidden food supplies within their respective jurisdictions. Population of each town will be turned out, and all transportation that can be found impressed to bring into government storehouses all food that is found, if it be possible to transport it. If not, it will	When Count Valmaseda, in April of last year (1869), issued a proclamation declaring that every man from the age of fifteen years upward, found away from his habitation, and not proving a sufficient motive therefor, would be shot, that every habitation found unoccupied would be burned, and that every house not flying a white flag should be reduced to ashes,

be destroyed. I am now assembling in the neighborhood of 2,500 men, who will be used in columns of about fifty men each. I take so large a command for the purpose of thoroughly searching each ravine, valley, and mountain peak for insurgents and for food, expecting to destroy everything I find outside of towns. All able-bodied men will be killed or captured. Old men, women, and children will be sent to towns. This movement begins January 1, by which time I hope to have nearly all the food supply in the towns. These people need a thrashing to teach them some good common sense, and they should have it for the good of all concerned.

it became the duty of the undersigned to convey to Mr. Lopez Roberts the protest of the President against such a method of warfare.

The Reconcentration Camps.

Among the measures of "*marked humanity*" was the reconcentration in Samar described in the extract from the Manila *News* contained in the petition to the Senate of February 4, and the reconcentration in Batangas.

As to the probable effects of tearing a whole population from their homes in a tropical climate and confining them in large bodies, whether in "*stockades*," which General Smith is said to have used, or in what General Bell calls "*protected zones*," we had ample warning.

The Secretary cannot have been ignorant that when our own army in the heart of our own country assembled at Chickamauga and Camp Alger, with every resource of the country at our command, and every motive to keep our soldiers in good health, the mortality and sickness were terrible.

We had the experience of Spain in Cuba and England in South Africa to guide us. We knew that England was kept advised every month of the number confined in each camp, the number in each of men, women, and children, and the monthly mortality in each camp of each class. *Has the War Department any statistics? Does it know how many persons were concentrated and how many died? What are the figures?*

Could Secretary Root have supposed that the physical causes which operated at Chickamauga would not operate in Luzon and Samar?

He sent to the Senate on May 7 a report from Colonel Wagner as to the conditions of three camps, one at Santo Tomas and two at Tanauan, which represents excellent conditions in all, except that at Tanauan (where in two camps were confined 19,600 people of all classes, 11,000 in a camp half a mile long by one-third of a mile wide, and the rest in a space one-third of a mile square), there was considerable sickness among the children,— measles and pneumonia,— but, he says: —

> The death-rate is not greater than in the native villages under ordinary conditions.

It would be interesting to have a few figures on this point, but none are given.

But were these the only concentration camps? Did these include General Smith's and General Bell's? Where are the facts? It is said that some hundreds of thousands of people were placed in them. Is this true?

There is other evidence on this point. The *Army and Navy Journal* certainly supports what has been done in the Philippines. In its columns appeared this letter. It applies to a small camp of prisoners of war, not, perhaps, strictly a reconcentration camp; but it throws some light on the subject. It comes from a correspondent at Catbalogan,* Samar, under date of January 26, giving the following account of the military prisoners at that place: —

> There are approximately 400 Filipino prisoners confined at Catbalogan, and the churchyard has been made into quarters for them. The yard is surrounded by a high stone wall, against which nipa shacks have been set. In these shacks, devoid of furniture, bedding, and with only the nipa walls and bamboo, the prisoners live, breathe, and have their being. They squat all day about the walls of the shacks, and only vary their attitudes for the purpose of eating or sleeping. They are fed the regulations' native prisoner ration, which is rather skimpy. The majority of the prisoners looked far from happy. A large part of them had a pinched, hungry look, and some thirty or forty are suffering from all stages of beriberi. It is the usual thing for them to get this disease after they have been confined any length of time. The disease is prevalent on the island, and under prison conditions it thrives. A number of the prisoners are suffering from malaria and dysentery. One of the medical officers at Catbalogan tells me that they die at the rate of from two to four per day. There are not sufficient medical supplies at Catbalogan to care for the prisoners;

* General Smith's headquarters.

and, as far as I could see, when they are taken sick, they are liable to die, as far as their health may depend upon proper medical attendance. General Sanger, learning of these conditions, took the medical officers to task; and they pleaded as an excuse that they had sent many requisitions to Tacloban for supplies, but they were never filled, and, when filled, only partially. For example, carbolic acid in large quantities was asked for, and one-tenth of the amount asked was sent. It is probable that an investigation will be made in Manila as to why these conditions exist. Prisoners of war must have proper food and medical attendance. There are rears dug about the prison which are kept in a perfectly sanitary condition, boxes being used, and the contents removed daily. The prisoners also have the use of two large stone tanks filled with water for bathing, and soap is issued to them as part of the ration. It is difficult to ascertain if the rations were always fully issued; but it is supposed that they are, although one hungry and despondent-looking chap of decidedly prepossessing appearance told me that they did not get enough to eat. However, if it is issued,— the full ration,— it should be enough for their wants, and is probably more than the average native receives outside. There is an offensive smell about the quarters, but this is generally found in jails where large numbers of men are confined.

All of the prisoners had a more or less cowed appearance, and seemed ready to dodge upon the approach of an American. General Chaffee visited every one of the different quarters, and, with the aid of an interpreter, talked with various of the prisoners. The usual response was, "No sabe"; and they did not look as if they did. They are a miserable-looking lot of little brown rats, and were utterly spiritless. All rose from their squatting position whenever an American approached, and stood to "attention," raising their hands to their heads in a sort of half-salute and half-doffing of an imaginary hat. The great majority of them are in rags, and have hardly enough of them to cover their nakedness. There is no provision for furnishing them clothing. Among all the quarters not a cigarette was to be found; and the lack of these, which is almost as necessary to the Filipino as food or water, seems to wilt them altogether. Outside the shacks, day after day, the rain falls incessantly. Some of the shacks leak, but the majority are in good condition. One of the party remarked that death would be preferable to him than month after month of such imprisonment, and no one disagreed with him. However, it is possible that the natives have become used to it. Nothing seems to break their apathy. One to whom I spoke kindly and questioned as to his treatment changed for a moment into a gleam of intelligence, but quickly resumed his original stare.*

Here is testimony from another source as to an undoubted concentration camp. It comes through Senator Bacon, of Georgia, from whose speech in the Senate the following extract is taken:—

Mr. President, I want to read to you a description of a reconcentrado camp. I will say that this letter is written by an officer whom

* It will be remembered that this town was the headquarters of General Smith.

I know personally, and for whom I vouch in my place in the Senate as a high-toned man and a courageous and chivalric officer, one who does his duty regardless of whether he approves of the cause in which he is told to fight or not, and one in every way worthy of confidence and esteem. This was a letter written by him with no injunction of secrecy in it, because he had no idea or thought that it would ever be made public. I make it public now simply for the information of the Senate, in order that they may have some idea of what a reconcentrado camp is.

I omit the name of the place from which the letter was written for the same reason that I omit the name of the officer. I will not say any more of him than that he is a graduate of West Point and a professional soldier. I will state further that there is some allusion in the letter to vampires. A vampire in those islands is a bird about the size of a crow, which wheels and circles above the head at night, and which is plainly visible at night. As I have said, I know the officer personally and vouch for him in every way. Senators will see from the reading of this letter that it is simply the casual and ordinary narration of a friend writing to a friend. He says: —

"On our way over here we stopped at —— in peaceful —— to leave our surplus stuff so as to get into"—

I have left out these names —

"light shape; and, as we landed at midnight there, they weren't satisfied with bolos and shotguns, but little brown brother actually fired upon us with brass cannon in that officially quiet burg under efficient civil government. What a farce it all is!"

That is his comment on that fact.

"Well, consider, ten miles and over down the coast, we found a great deposit of mud just off the mouth of the river, and after waiting eight hours managed to get over the bar without being stuck but three times — and the tug drew three feet.

"Then eight miles up a slimy, winding bayou of a river until at 4 A.M. we struck a piece of spongy ground about twenty feet above the sea-level. Now you have us located. It rains continually in a way that would have made Noah marvel. And trails, if you can find one, make the 'Slough of Despond' seem like an asphalt pavement. Now this little spot of black sogginess is a reconcentrado pen, with a dead-line outside, beyond which everything living is shot.

"This corpse-carcass stench wafted in and combined with some lovely municipal odors besides makes it slightly unpleasant here.

"Upon arrival I found thirty cases of small-pox and average fresh ones of five a day, which practically have to be turned out to die. At nightfall clouds of huge vampire bats softly swirl out on their orgies over the dead.

"Mosquitoes work in relays, and keep up their pestering day and night. There is a pleasing uncertainty as to your being boloed before morning or being cut down in the long grass or sniped at. It seems way out of the world without a sight of the sea,— in fact, more like some suburb of hell."

If that is a suburb of hell, Mr. President, what must hell be! That is a description that applies to more than one; and, if you would order an investigation of what has occurred in the Philippine Islands, it would, I have no doubt, be found that that was a picture of many.

And Mr. Bacon well says:—

We are apt to think about the reconcentrado camps simply in connection with sufferings which may be endured by those within the camps; and, in the case of the Cuban reconcentrado camps, where there was not food, then, of course, all the added horrors of that tropical climate constituted one of the features of the reconcentrado camps. But the greatest horror and the greatest suffering which are occasioned by the reconcentrado camps is not the horror and the suffering within the camp, but the horror and the suffering without the camp.

When a general prescribes a certain limited area within which he says all the people must congregate, there must be the corresponding direction which will enforce that order; and the corresponding direction is that everything outside of those prescribed limits shall be without protection, and, both as to property and life, be subject to destruction. Only in that way can people be carried within the limits of the reconcentrado camps.

It is because life is unsafe out of them, because life is almost certain to be sacrificed out of them, because all property left outside is to be destroyed, because all houses are to be burned, because the country is to be made a desert waste, because within a camp is a zone of life and without the camp a wide-spread area of death and desolation. That is what a reconcentrado camp means. Do you suppose if there is an invitation to people to come within a reconcentrado camp, that they are going to come there unless they are forced there? Is there any way to force them except to say that it is death to remain outside?

Why, Mr. President, when the limited area of a reconcentrado camp is prescribed, the people cannot be collected and driven in there. The soldiers cannot go out and find them and drive them in as you would a drove of horses. It is only by putting upon them this order, this pressure of life and death, that they are made to flee within the limits of the reconcentrado camps to escape the torch and the sword that destroys all without. When a general prescribes a reconcentrado camp,— and I am going, before I get through, to read Bell's order to show that that is what it means,— when a general prescribes a reconcentrado camp, he practically says that everybody outside must come inside or die: he practically says to his soldiers, Those who do not get inside shall be slaughtered; and the practical operation is that those who do not get inside are slaughtered.

Yet Secretary Root describes all this as "*marked humanity.*" Whose standard will the American people accept,— his or their own as expressed by President McKinley four years ago? In his first annual message Mr. McKinley said:—

> The cruel policy of concentration was initiated [in Cuba] February 16, 1896. The productive districts controlled by the Spanish armies were depopulated. The agricultural inhabitants were herded in and about the garrison towns, their lands laid waste, and their dwellings destroyed. This policy the late cabinet of Spain justified as a necessary measure of war and as a means of cutting off supplies from the insurgents. *It has utterly failed as a war measure. It was not civilized warfare: it was extermination.*
>
> Against this abuse of the right of war I have felt constrained on repeated occasions to enter the firm and earnest protest of this government.

In his special message preceding the declaration of war against Spain in April, 1898, the President spoke yet more strongly, saying: —

> The efforts of Spain were increased both by the despatch of fresh levies to Cuba and by the addition to the horrors of the strife of a new and inhuman phase happily unprecedented in the modern history of civilized Christian peoples. The policy of devastation and concentration inaugurated by the captain-general's *bando* of Oct. 21, 1896, in the province of Pinar del Rio was thence extended to embrace all of the island to which the power of the Spanish arms was able to reach by occupation or by military operations. The peasantry, including all dwelling in the open agricultural interior, were driven into the garrison towns or isolated places held by the troops. . . .
>
> The agricultural population, to the estimated number of 300,000 or more, was herded within the towns and their immediate vicinage, deprived of the means of support, rendered destitute of shelter, left poorly clad, and exposed to the most unsanitary conditions. . . . Reconcentration, adopted avowedly as a war measure in order to cut off the resources of the insurgents, worked its predestined result. As I said in my message of last December, it was not civilized warfare: it was extermination. *The only peace it could beget was that of the wilderness and the grave.*

Thus does President McKinley answer Secretary Root.

Conclusions.

From this review of the record certain things clearly appear: —

1. That the destruction of Filipino life during the war has been so frightful that it cannot be explained as the result of ordinary civilized warfare.

General J. M. Bell's statement that one-sixth of the natives of Luzon — that is, *some six hundred thousand* persons — had been killed or died of dengue fever in the first two years of the war is evidence enough on this point, especially when coupled with his further statement:

> The loss of life by killing alone has been very great, but I think not one man has been slain except where his death served the legitimate purpose of war. It has been thought necessary to adopt what in other countries would be thought harsh measures,

but which Secretary Root calls measures of "*marked humanity and magnanimity.*" *

2. That at the very outset of the war there was strong reason to believe that our troops were ordered by some officers to give no quarter, and that no investigation was had because it was reported by Lieut.-Colonel Crowder that the evidence "*would implicate many others*," General Otis saying that the charge was "*not very grievous under the circumstances.*"

3. That from that time on, as is shown by the reports of killed and wounded and by direct testimony, the practice continued.

4. That the War Department has never made any earnest effort to investigate charges of this offence or to stop the practice.

5. That from the beginning of the war the practice of burning native towns and villages and laying waste the country has continued. The special correspondent of the Boston *Transcript*, as early as April 14, 1899, wrote from Marilao: —

> "Just watch our smoke!" is what the Minnesota and Oregon regiments have adopted for a motto since their experiences of the last few days. Their trail was eight miles long; and the smoke of burning buildings and rice heaps rose into the heaven the entire distance, and obscured the face of the landscape for many hours. They started at daylight this morning, driving the rebels before them and setting the torch to everything burnable in their course.

This was in retaliation for a night attack.

It was the inception of a policy that was pursued till Samar was made a "*howling wilderness.*"

6. That the Secretary of War never made any attempt to check or punish this method of war.

7. That from a very early day torture has been employed systematically to obtain information.

8. That no one has ever been seriously punished for this, and that since the first officers were reprimanded for hanging up prisoners no

* This statement is confirmed by the official report made by the Secretary of the Civil Government in Batangas, the scene of General Bell's operations. He says that the population has been reduced one-third; *i.e.*, from 300,000 to 200,000 by the war and its attending conditions.

one has been punished at all until Major Glenn, in obedience to an imperative public sentiment, was tried for one of many offences, and received a farcical sentence.

9. That the Secretary of War never made any attempt to stop this barbarous practice while the war was in progress.

10. That from the time when General Otis advised a court-martial of Brenner for giving the information which led to an investigation until the Secretary proposed that General Miles be retired for giving the clew which led to the publication of Major Gardener's report, and Major Gardener is harried for making it, the zeal of the War Department and of Mr. Root has been displayed against the accusers, and not against the criminal.

11. That the statements of Mr. Root, whether as to the origin of the war, its progress, or the methods by which it has been prosecuted, have been untrue.

12. That he has shown a desire not to investigate, and, on the other hand, to conceal the truth touching the war and to shield the guilty, and by censorship and otherwise has largely succeeded.

He can exercise an influence to prevent abuse as is shown by his vigorous language in disapproving the recommendation of a board that an officer suffering from chronic alcoholism be retired. In this case he said: —

> Immediate and severe discipline is called for, and nothing else. My observation has satisfied me that the standard of sobriety and good personal habits among the officers of the army is very high, but it would not long remain so if cases of this kind were to be condoned or disposed of in the manner which has been proposed in this case. Officers who observe such cases and fail to report them promptly for discipline are remiss in the performance of their duties, and I desire the army to understand that they will be so considered.

Had such words been used when the first officers guilty of torture were sentenced to a reprimand, — if such language had ever been used by him about any barbarity or outrage in the Philippines, — can any one doubt its effect? He was silent in the face of certain knowledge, and by his silence he made himself responsible for all that was done with his acquiescence.

13. That Mr. Root, then, is the real defendant in this case. The responsibility for what has disgraced the American name lies at his

door. He is conspicuously the person to be investigated. The records of the War Department should be laid bare, that we may see what orders, what cablegrams, what reports, are there. His standard of humanity, his attitude toward witnesses, the position which he has taken, the statements which he has made, all prove that he is the last person to be charged with the duty of investigating charges which, if proved, recoil on him.

Nor is it safe to trust this investigation to the officers who have been serving in the Philippine Islands. The guilty men are their friends and comrades. They have been led to think that the honor of the army is served by acquitting the guilty or giving nominal sentences. *They cannot help trying to extenuate. They cannot help wishing to disbelieve.*

Their attitude may appear by contrasting the position of their organ, the *Army and Navy Register*, when Secretary Root's letter of February 17 was believed to have ended the charges of cruelty, with the attitude of army officers since the truth of the charges was proved.

The Army and Navy Register said of this letter that it was "*Mr. Root's word*"

> that this military savagery does not exist, and that this government as represented by the troops under General Chaffee, has not broken the rules of civilized warfare. And certainly his assurances to that effect are entitled to more respect than the gossip of enlisted men who write letters home giving lurid accounts of pillage, sacking, rapine, murder, and torture. . . .
>
> Our soldiers in the Philippines are under the control of decent, respectable, intelligent officers. The rules of discipline are based on the military necessity for strictness joined with the dictates of humanity. *Prisoners of war are not subjected to needless suffering or personal indignities. The inhabitants of the country occupied by our troops are not disturbed in their occupation, their homes are not molested, and they are not brought to the rack for the inhuman purpose of extorting from them important information.* Secretary Root has shown that this humane state of affairs existed in the Philippines just as it has existed in every war in which American troops have taken part. There has been no degeneracy of the race since the military force was sent to the Philippines, and the insurgents at home may rest assured that we have shown for the prisoner and the non-combatant in the Philippines that humanity and that regard for the rules of civilized warfare which have been characteristics of our soldiers in all times.

If the letter was "*Mr. Root's word*," what must we say?

Now let us read what the same journal said after the exposure of the facts:—

> It is amazing to find journals of known loyalty to the administration at Washington, like the Philadelphia *Press*, for example, engaged in zealous but misdirected efforts to exempt the President and the War Department from the responsibility for General Smith's conduct of the campaign in Samar. The *Press* says that General Smith's order "*was not approved by our government or known to it.*" Now what are the facts?
>
> General Smith's orders in the province of Samar and General Bell's in the province of Batangas were submitted to Major-general Chaffee. He approved them, and submitted copies of them to the War Department in Washington. . . . So far as the responsibility for the conduct of the campaign in Samar, Batangas, and other provinces is concerned, General Chaffee, General Smith, General Bell, and every man under them were acting as directly with the approval of the government as if their orders had been written at the White House and countersigned at the War Department. . . .
>
> It is the business of the War Department to protect the officers against indefinite complaints quite as much as it is to hold them responsible when definite charges are made. It is or should be a point of honor to do this. Obligations are mutual; and, if the duty of unquestioning obedience is imposed upon the officers, it is equally demanded of the President of the United States that he should interpose the shield of his high office to protect the officer against public disapproval when he does only the duty that obedience demands of him.

The contrast between the articles is clear. The statement of the War Department's duty to shield the army is equally clear.*

Mr. Henry Loomis Nelson is a very well-informed correspondent of large experience, and not likely to exaggerate. On April 29 he stated the attitude of the army in a nutshell. After alluding to the

*General Hughes threw some Light on this Subject in His Evidence.

Senator Rawlins. If these shacks were of no consequence what was the utility of their destruction?

General Hughes. The destruction was as a punishment. They permitted these people to come in there and conceal themselves and they gave no sign. It is always—

Senator Rawlins. The punishment in that case would fall, not upon the men, who could go elsewhere, but mainly upon the women and little children.

General Hughes. The women and children are part of the family, and where you wish to inflict a punishment you can punish the man probably worse in that way than in any other.

Senator Rawlins. But is that within the ordinary rules of civilized warfare? Of course you could exterminate the family, which would be still worse punishment.

General Hughes. These people are not civilized.

Senator Rawlins. Then I understand you to say it is not civilized warfare?

General Hughes. No: I think it is not.

Senator Rawlins. Is it not true that operations in the islands became progressively more severe within the past year and a half in dealing with districts which were disturbed?

General Hughes. I think that is true. I would not say it is entirely so. The severities depend upon the man immediately in command of the force that he has with him. In the department I suppose I had at times as many as a hundred and twenty commands in the field. Each commander, under general restrictions, had authority to act for himself. These commanders were changed from time to time. The new commanders coming in would probably start in very much easier than the old ones.

Senator Hale. Very much what?

General Hughes. Easier. They would come from this country with their ideas of civilized warfare, and they were allowed to get their lesson.

contempt which our men feel for all brown men, classing them all as "*niggers*," he proceeds: —

> Moreover, the soldiers reasoned that, as the United States have imposed upon them the duty of putting down the insurrection, these brown men must be overcome at all hazards; while the war against them must be conducted upon the principles of savage warfare, since most of those who are fighting are classed as barbarians.

He quotes from the letter of an officer who had served in the islands the following: —

> There is no use mincing words. There are but two possible conclusions to the matter. We must conquer and hold the islands or get out. The question is, Which shall it be? If we decide to stay, we must bury all qualms and scruples about Weylerian cruelty, the consent of the governed, etc., and stay. We exterminated the American Indians, and I guess most of us are proud of it, or, at least, believe the end justified the means; and we must have no scruples about exterminating this other race standing in the way of progress and enlightenment, if it is necessary.

Cruelty is no longer denied. It is now avowed and justified. Thus Colonel Groesbeck, at one time the judge advocate general of the Philippines, says: —

> I believe the water cure, as practised by the American army in the Philippines, to be the most humane method of obtaining information from prisoners of war that is known to modern warfare.

Of this the Boston *Transcript* well says: —

> Apart from the brutality of this utterance, it is singular as coming from an officer who has held the position of judge advocate general of a department, and who therefore should have at his fingers' ends the rights of prisoners of war and of all persons of all ranks in military service, whether captive or free.

When judge advocates, like Groesbeck and Glenn, defend and practise the crimes which they are bound to punish, when military courts sentence General Smith to admonition and men convicted of torture to a trifling fine, and when over them all is a Secretary responsible for the very crimes which we are trying to discover, how can we expect to detect and punish "*every instance of barbarity on the part of our troops*," as the President promises? *

That promise will never be performed while Secretary Root remains in office. The same devices that so long availed to prevent discovery will be effectual to prevent punishment.

* See Appendix C.

The situation is well stated in two recent letters of Mr. Nelson.* In these he refers to conversations with returned officers, and quotes a letter from one in which the barbarities so stoutly denied by Mr. Root are all admitted, the singular humanity which he *asserted* is described as "*exceptional severity*," and the responsibility is placed where it belongs,— *on him*.

The conclusions of this writer are as follows: —

> The administration has not been sitting in darkness. The Department of War must have known what has been going on. If it has not it can hardly put forward so gross a dereliction of its duty as an excuse for what has been done. Let the opposition keep their eyes on the men in Washington. Then if there is any blood to be shed as payment for maladministration, it will not be the vicarious blood of men who have honestly and bravely done their duty as they saw it.

This conclusion is identical with our own, but to answer your questions categorically we will add that in our judgment the statements which you quote are not in conformity with the facts disclosed by the record, and the practices which Mr. Root styles humane are not such as are justified by the rules of civilized warfare, or by the provisions of General Order 100.

The record itself shows the character of the investigations thus far made by the Secretary of War and how little is to be hoped from any further investigation conducted under his direction.

MOORFIELD STOREY,
JULIAN CODMAN.

* Which will be found in Appendix B.

APPENDIX A.

[Circular No. 6.]

HEADQUARTERS SIXTH SEPARATE BRIGADE,
TACLOBAN, LEYTE, P.I., December 24, 1901.

To all Station Commanders:

The brigade commander has become thoroughly convinced from the great mass of evidence at hand that the insurrection for some time past and still in force in the island of Samar has been supported solely by the people who live in the pueblos ostensibly pursuing their peaceful pursuits and enjoying American protection, and that this is especially true in regard to the "pudientes," or wealthy class.

He is and for some time past has been satisfied that the people themselves, and especially this wealthy and influential class, can stop this insurrection at any time they make up their minds to do so; that up to the present time they do not want peace; that they are working in every way and to the utmost of their ability to prevent peace. He is satisfied that this class, while openly talking peace, is doing so simply to gain the confidence of our officers and soldiers, only to betray them to the insurrectos, or, in short, that while ostensibly aiding the Americans they are in reality secretly doing everything in their power to support and maintain this insurrection.

Under such conditions there can be but one course to pursue, which is to adopt the policy that will create in the minds of all the people a burning desire for the war to cease; a desire or longing so intense, so personal, especially to every individual of the class mentioned, and so real that it will impel them to devote themselves in earnest to bringing about a state of real peace, that will impel them to join hands with the Americans in the accomplishment of this end.

The policy to be pursued in this brigade, from this time on, will be to wage war in the sharpest and most decisive manner possible. This policy will apply to the island of Samar and such other portions of the brigade to which it may become necessary to apply it, even though such territory is supposedly peaceful or is under civil government.

In waging this warfare, officers of this brigade are directed and expected to co-operate to their utmost, so as to terminate this war as soon as practicable, since short, severe wars are the most humane in the end. No civilized war, however civilized, can be carried on on a humanitarian basis. In waging this war, officers will be guided by the provisions of General Orders No. 100, Adjutant-general's Office, 1863, which order promulgates the instructions for the government of the armies of the United States in the field. (Copies of this order will be furnished to the troops of this brigade as soon as practicable. In the mean time commanding officers will personally see to it that the younger and less experienced officers of the

command are instructed in the provisions of this order, wherever it is possible to do so.)

Commanding officers are earnestly requested and expected to exercise, without reference to these headquarters, their own discretion in the adoption of any and all measures of warfare coming within the provisions of this general order which will tend to accomplish the desired results in the most direct way or in the shortest possible space of time. They will also encourage the younger officers of their commands to constantly look for, engage, harass, and annoy the enemy in the field, and to this end commanding officers will repose a large amount of confidence in these subordinate officers, and will permit to them a large latitude of action and a discretion similar to that herein conferred upon the commanding officers of stations by these headquarters.

Without warranting in any way carelessness of action or recklessness in the slightest degree, or the relaxation of that constant vigilance which the officer should at all times exercise in the enemy's country, and especially in these islands, officers should be encouraged to bear in mind always that we have the decided morale over the natives of the islands, and that they must not hesitate to attack them boldly on all occasions and to drive home such attacks with vigor; they should bear in mind that mere numbers of insurgents should not warrant any other course, unless and until his command is so outnumbered as to render the loss of a major portion thereof a certainty, which contingency is not likely to arise within this brigade.

In dealing with the natives of all classes, officers will be guided by the following principles: —

First. Every native, whether in arms or living in the pueblos or barrios, will be regarded and treated as an enemy until he has conclusively shown that he is a friend. This he cannot do by mere words or promises, nor by imparting information which, while true, is old or stale and of no value; nor can it be done by aiding us in ways that do no material harm to the insurgents. In short, the only manner in which the native can demonstrate his loyalty is by some positive act or acts that actually and positively commit him to us, thereby severing his relations with the insurrectos and producing or tending to produce distinctively unfriendly relations with the insurgents.

Not only the ordinary natives, but especially those of influence and position in the pueblos who manifestly and openly cultivate friendly relations with the Americans will be regarded with particular suspicion, since by the announced policy of the insurgent government their ablest and most stanch friends or those who are capable of most skilfully practising duplicity are selected and directed to cultivate the friendship of American officers, so as to obtain their confidence and to secretly communicate to the insurgents everything that the Americans do or contemplate doing, particularly with regard to the movement of troops. In a word, friendship for the Americans on the part of any native will be measured directly and solely by his acts, and neither sentiment nor social reasons of any kind will be permitted to enter into the determination of such friendship.

Second. It will be regarded as a certainty that all officials of the pueblos and barrios are likewise officials of Lukban and his officers, or at least that they are in actual touch and sympathy with the insurgent leaders, and that they are in secret aiding these leaders with information,

supplies, etc., wherever possible. Officers will not be misled by the fact that officials of the pueblos pass ordinances inimical to those in insurrection, or by any action taken by them, either collectively or individually. The public acts of pueblo councils that are favorable to the Americans are usually negative by secret communication on the part of the parties enacting them to those in insurrection. Therefore, such acts cannot be taken as a guide in determining the friendship or lack of it of these officials for the American Government.

Third. The taking of the oath of allegiance by officials, presidentes, vice-presidentes, consejeros, principales, tenientes of barrios, or other people of influence, does not indicate that they or any of them have espoused the American cause, since it is a well-established fact that these people frequently take the oath of allegiance with the direct object and intent of enabling them to be of greater service to their real friends in the field. In short, the loyalty of these people is to be determined only by acts which, when combined with their usual course of conduct, irrevocably binds them to the American cause.

Neutrality must not be tolerated on the part of any native. The time has now arrived when all natives in this brigade who are not openly for us must be regarded as against us. In short, if not an active friend, he is an open enemy.

Fourth. The most dangerous class with whom we have to deal is the wealthy sympathizer and contributor. This class comprises not only all those officials and principales above mentioned, but all those of importance who live in the pueblos with their families. By far the most important as well as the most dangerous member of this class is the native priest. He is most dangerous; and he is successful because he is usually the best informed, besides wielding an immense influence with the people by virtue of his position. He has much to lose, in his opinion, and but little to gain through American supremacy in these islands.

It is expected that officers will exercise their best endeavors to suppress and prevent aid being given by the people of this class, especially by the native priests. Wherever there is evidence of this assistance, or where there is a strong suspicion that they are thus secretly aiding the enemies of our Government, they will be confined and held. The profession of the priest will not prevent his arrest or proceedings against him. If the evidence is sufficient, they will be tried by the proper court. If there is not sufficient evidence to convict, they will be arrested and confined as a military necessity, and held as prisoners of war until released by orders from these headquarters.

It will be borne in mind that in these islands, as a rule, it is next to impossible to secure evidence against men of influence, and especially against the native priests, so long as they are at large. On the other hand, after they are arrested and confined, it is usually quite easy to secure abundant evidence against them. Officers in command of stations will not hesitate, therefore, to arrest and detain individuals whom they have good reason to suspect are aiding the insurrection, even when positive evidence is lacking.

Fifth. Presidentes and officials of the pueblos generally, including the police, will be especially watched by the troops; and whenever sufficient evidence can be found to warrant their conviction before the proper court

of the violation of their oaths of office, by reason of their acting as agents of the insurrectos, or by aiding or assisting or protecting these insurgents in any way, they should be arrested and tried by military commissions or provost courts. In all cases where evidence will warrant conviction, charges will be preferred, and duly forwarded for action by these headquarters.

Sixth. In the treatment of natives the officers of this brigade will bear in mind that the ordinary "tauo" is regarded by the native influence and standing as but little more than a piece of machinery to be manipulated as may suit his fancy. He is the ignorant tool who follows but too blindly the lead of the men of influence. But little attention will be paid therefore to the ordinary offences against the laws of war that may be committed by this class. Their minor offences can and will be safely and properly disregarded. Their services may be utilized wherever practicable or desirable in operations against their leaders.

In the selection of guides, however, officers will bear in mind that the more intelligent the native selected the greater the chance of success in the particular undertaking. Guides from the "pudientes," or influential class, should be impressed freely and in numbers sufficient to accomplish the object in view. They should be informed of their duties and responsibilities as such, and be held to a strict compliance therewith. This class can at all times communicate with the insurgents when they wish to do so, and this desire can and should be cultivated in them. Even though they may not know any given trail, their facilities for acquiring knowledge thereof are unlimited. Besides, it is quite well established that this class are good barometers, and as such will afford ample protection against the bamboo trap and similar pitfalls placed in the trails, if they occupy their proper position in the command.

Seventh. Special efforts will also be made to prevent contributions of all kinds to the enemy. Natives living in the pueblos will be informed that they can secure protection from forced contributions whenever they really desire such protection. To secure it, however, reports of attempted collections must be promptly made to the nearest American officials and in time to be of value. Presidentes of pueblos can at all times prevent the collection of contributions within their pueblos if they really wish to do so. Any failure to do this on the part of any official, when known, should be carefully investigated; and, unless it is clearly established that he is not at fault, he should be promptly confined and punished.

It is quite common for natives of all classes to claim that they are afraid of the insurgents; that, if they assist the Americans or give any information to them, they will be killed. There may be some isolated cases in which such claims have a foundation, but they are very rare indeed, and it is quite certain that in all cases this fear may be promptly removed by an honest effort on the part of the party possessing it. This myth of so-called fear will disappear with the first honest effort of the possessor to suppress the insurrection. Officers will furnish protection against all real dangers directed against those natives who seek such protection within their commands, provided they are friends of the established government, and to no one else. All collectors of these contributions will be promptly arrested and proceeded against.

By command of Brigadier-general Smith.

W. E. Ayer,
Captain, Twelfth Infantry, Adjutant-general.

[Telegraphic circular No. 3.]

BATANGAS, December 9, 1901.

To all Station Commanders:

A general conviction, which the brigade commander shares, appears to exist that the insurrection in this brigade continues because the greater part of the people, especially the wealthy ones, pretend to desire, but in reality do not want peace. That when all really want peace we can have it promptly. Under such circumstances it is clearly indicated that a policy should be adopted that will as soon as possible make the people want peace, and want it badly.

It is an inevitable consequence of war that the innocent must generally suffer with the guilty; for, when inflicting merited punishment upon a guilty class, it is unfortunately at times impossible to avoid the doing of damage to some who do not individually deserve it. Military necessity frequently precludes the possibility of making discriminations. This is regrettable, but it should be borne in mind that the greatest good to the greatest number can best be brought about by putting a prompt end to insurrection. A short and severe war creates in the aggregate less loss and suffering than benevolent war indefinitely prolonged. For reasons here indicated, which are well known to all, and chief of which is the delay and difficulty in ascertaining the exact truth, it will be impossible to wage war efficiently and at the same time do abstract justice in operations unquestionably essential to putting down an insurrection which has long continued in the territory of this brigade.

Natural and commendable sympathy for suffering and loss and for those with whom friendly relations may have been maintained should therefore take a place subordinate to the doing of whatever may be necessary to bring a people who have not as yet felt the distressing effect of war to a realizing sense of the advantages of peace.

War in the disturbed portions of this brigade, and when manifestly necessary in those portions supposed to be peaceful or which are under civil government, will be conducted in accordance with the provisions of General Orders No. 100, Adjutant-general's Office, 1863, which publishes instructions for the government of the armies of the United States in the field. The provisions of this order will be directly adhered to, but no station commander will put any one to death as a measure of retaliation for assassination under sections 27, 28, 34, and 148 without obtaining authority from a superior commander, nor will the death penalty be inflicted in any case without similar authority. General Orders No. 100 is now being reprinted at division headquarters, and when copies are received they will be distributed. Particular attention is invited to the last paragraph of section 52, in particular reference to possible repetitions of the Balangiga affair.

Commanding officers are urged and enjoined to use their discretion freely in adopting any or all measures of warfare authorized by this order which will contribute, in their judgment, toward enforcing the policy or accomplishing the purpose above announced.

It is not necessary to seek or wait for authority from these headquarters to do anything or take any action which will contribute to the end in view. It is desired that subdistrict commanders accord to their subordinate officers and commanders a degree of confidence and latitude in operations

similar to that herein conferred upon them. Such restraint and supervision only should be exercised as is dictated by sound discretion, and as may be essential to securing concert of action and co-operation when desirable, adherence to authorized methods, and a uniform policy and harmonious action in working for a common end. Subordinate commanders and young officers of experience should not be restrained or discouraged without excellent reason, but should be encouraged to hunt for, pursue, and vigorously operate against armed bodies of insurgents wherever they may be found. Considering the comparative morale of our troops and insurgents, and the lack of reliable ammunition and training on the part of the latter, it is not believed there exists any just cause for exceptional caution or apprehension in attacking them boldly. At any rate, under present conditions, legitimate chances should be accepted, as excessive caution will do us incalculable harm. Except when the advantage in position and numbers is overwhelming on the side of the enemy, our troops should always assume the offensive and advance on and pursue them vigorously. The best defence against these people is to assume a vigorous offensive at once. To retire in the presence of this enemy is generally hazardous and discouraging to our troops.

Nothing herein contained will be so interpreted as to warrant or excuse carelessness or a lack of well-known and proper precautions. Though troops should be aggressive, they should be military in methods, and precautions against surprise and ambush should never be neglected.

In addition to maintaining active operations against armed bands of insurgents, persistent and systematic efforts will be made through the use of spies, loyal police, native scouts, intelligence officers, provost-marshals, and provost courts to discover, apprehend, and punish all agents, collectors, organizers, contributors, and sympathizers who secretly aid, assist, and extend encouragement or comfort to those in arms. Many such persons will unquestionably be found among municipal officials and councils and tenientes or cabezas of barrios.

It is so probable as to amount almost to a certainty that the election of all town officials in the provinces of Batangas and Laguna have been dictated by Malvar or other insurgent leaders, and that they would never have been permitted to discharge their functions without molestation, had they not continued to be subservient to the will of the insurgent leaders and been acting as their agent or at least have done nothing inconsistent with their interests. It is perfectly safe and easy for town councils to enact the most violent legislation against the insurrection, and sending copies thereof to the insurgent leaders to secretly inform them that the legislation was enacted under compulsion of Americans or in order to deceive and lull them to sleep, but that the town officials propose to continue their aid of the insurrection secretly just as heretofore.

It can be adopted as a rule without danger of error that whenever an insurgent sympathizer writes a letter, or takes any action under pretence of opposition to the insurrection, that he will immediately secretly convey to insurgent officials the information that he was compelled to do so or did so to mislead Americans. The loyalty of persons should not be judged by such acts, or by words alone, nor should the public enactments of councils in favor of peace and against insurrection be accepted as conclusive proof of the loyalty of town officials.

The only acceptable and convincing evidence of the real sentiments of either individuals or town councils should be such acts publicly performed as must inevitably commit them irrevocably to the side of Americans by arousing the animosity and opposition of the insurgent element. Such acts are reliable evidence, but mere words are worthless. No person should be given credit for loyalty simply because he takes the oath of allegiance or secretly conveys to Americans worthless information and idle rumors which result in nothing. Those who publicly guide our troops to the camps of the enemy, who publicly identify insurgents, who accompany troops in operations against the enemy, who denounce and assist in arresting the secret enemies of the Government, who publicly obtain and bring reliable and valuable information to commanding officers, those, in fact, who publicly array themselves against the insurgents, and for Americans, should be trusted and given credit for loyalty, but no others. No person should be given credit for loyalty solely on account of his having done nothing for or against us so far as known. Neutrality should not be tolerated. Every inhabitant of this brigade should either be an active friend or be classed as an enemy.

Presidentes and chiefs of police against whom sufficient evidence can be found to convict them before a court of violating their oaths by acting as agents for insurgents, or by aiding, assisting, or protecting them in any way, should be arrested and confined, and should ordinarily be tried by military commission. Charges should be preferred and forwarded with that in view. Other town officials guilty of similar offences might be tried by provost courts unless their offence be too grave for adequate punishment thereby.

Another dangerous class of enemies are wealthy sympathizers and contributors, who, though holding no official positions, use all their influence in support of the insurrection, and, while enjoying American protection for themselves, their families, and property, secretly aid, protect, and contribute to insurgents. Chief and most important among this class of disloyal persons are native priests. It may be considered as practically certain that every native priest in the provinces of Batangas and La Laguna is a secret enemy of the Government and in active sympathy with insurgents. These are absolutely our most dangerous enemies,— more dangerous even than armed insurgents because of their unequalled influence. They should be given no exemptions whatever on account of their calling. On the contrary, whenever sufficient evidence is obtainable, they should be brought to trial. Should well-founded suspicion rest against them in the absence of competent evidence, they should be confined and held as a necessary military precaution to preclude further activity or bad influence on their part.

The same course should be pursued with all of this class, for to arrest any one believed to be guilty of giving aid or assistance to the insurrection in any way, or of giving food or comfort to the enemies of the Government, it is not necessary to wait for sufficient evidence to lead to conviction by a court; but those strongly suspected of complicity with the insurrection may be arrested and confined as a military necessity, and may be held indefinitely as prisoners of war, in the discretion of the station commander, or until the receipt of other orders from higher authority. It will frequently be found impossible to obtain any evidence against persons of influence as

long as they are at liberty; but, once confined, evidence is easily obtainable.

The apprehension and punishment of one individual of the above-mentioned classes (men of wealth and standing and officials) is of greater importance and will exercise greater influence than the punishment of a hundred ignorant hombres for whose suffering no principale cares a straw. The wealthy and influential and town and insurgent officials are therefore those against whom our most energetic efforts should be directed. The common people amount to nothing. They are merely densely ignorant tools, who blindly follow the lead of the principales. When guilty, they must be arrested and confined in order to put an end to further activity on their part; but, whenever it is possible to reach their chief or leader through their testimony, they may be promised immunity from trial for such simple offences as aiding and assisting or being insurgents. They should not be released, however, unless they are willing to demonstrate their loyalty by public participation in operations against their former leaders.

The policy herein indicated need not be applied, should commanding officers be convinced it is inadvisable in those portions of the brigade where peaceful conditions have been completely re-established, as in Marinduque, for example. Discretion should also be exercised as to the degree of rigor to be employed in its enforcement in those portions of the brigade where civil government exists, and where no organized insurrection or intrigue is discoverable.

Provost courts cannot operate in the provinces of Cavite and Tayabas; but any disloyal person escaping from Batangas or Laguna into other provinces of the brigade may be there arrested by the military authorities and be sent back for trial by military courts in the province from which they escaped. Insurgents or armed ladrones residing in Cavite or Tayabas and operating across the line in Batangas or Laguna, or other persons living in Cavite or Tayabas who furnish aid or assist the insurgents in any way, or who engage in insurrectionary intrigues or operations, will be arrested, and reported to these headquarters for further instructions. Any station in Batangas or Laguna at which a provost court does not now exist will be reported, and an officer recommended as such.

Wherever the constabulary have been organized, cordial co-operation will be extended to and solicited from them. Commanding officers will promptly transmit by wire to other commanding officers any information which may possibly be of assistance to them, and are expected to seek co-operation and concert of action from each other, whenever such may appear to be desirable.

Additional telegraphic instructions will follow, suggesting expedients of policies which are believed to be efficacious in particular contingencies. Acknowledge receipt.

J. F. Bell,
Brigadier-general, Commanding.

[Telegraphic circular No. 7.]

BATANGAS, P.I., December 15, 1901.

To all Station Commanders:

Though Section 17, General Orders 100, authorizes the starving of unarmed hostile belligerents as well as armed ones, provided it leads to a speedier subjection of the enemy, it is considered neither justifiable nor desirable to permit any person to starve who has come into towns under our control seeking protection. Although many of these persons can unquestionably be classed as enemies with perfect justice, it is too difficult to discriminate between the hostile and those who really desire peace to inaugurate or permit any policy of starvation under such circumstances. Every proper effort will be made at all times to deprive those in arms in the mountains of food supplies; but, in order that those who have assembled in the towns may not be reduced to want, it is absolutely essential to confiscate, transport to garrison towns, and save for future contingencies, wherever possible, every particle of food supply which may be found concealed in the mountains for insurgents or abandoned at a distance from towns.

Therefore, instead of destroying animals and food products found by troops under such circumstances, commanding officers will make every possible effort to see that such animals and food are brought into the nearest town and kept under control of the military authorities for future use. In accomplishing this, all means of transportation may be seized and every able-bodied male impressed and marched under guard to transport said food products into towns.

Though it is recognized that it may be difficult at times to accomplish the above instructions, it is expected that every reasonable effort will be made to do so, even at the expense of time, care, and labor, and that no rice or food will be destroyed except where absolutely impracticable to get it to towns. It should not take more than a week to completely clear all outlying districts of food products. Station commanders will begin at once to hunt for and bring in these supplies. Food abandoned may be given to those townspeople who will bring it in, if impossible to get it in for the government.

Storehouses in which to store these products will be taken possession of, or, when none are available, the presidente will be required to build one with labor and material of the town without compensation from the government. These products will be carefully preserved by the garrison for future issue in accordance with a system to be announced hereafter. The rice of persons believed to be disloyal, beyond an amount necessary for themselves and dependants, may be confiscated and preserved for the same purpose.

No rice or food supplies thus seized will be fed to public animals, nor will any of it be consumed by troops except in case of emergency and necessity. None of this food will be issued gratis to well-to-do people who have means and property on which they can raise money to buy it; but, when such people have no rice and are unable to purchase it elsewhere, these Government stores may be sold in small quantities at a reasonable rate. The money thus accumulated will be used to purchase other rice in Manila to be transported by the Government and resold at the same price or issued gratis to paupers.

The utmost care will be taken in registering paupers and the members of their families, in order that frauds may be prevented in the gratuitous issue of food.

In the discretion of subdistrict commanders, after consulting station commanders, a uniform scale may be established, regulating the prices that may be charged by merchants for ordinary and necessary food supplies. Subdistrict commanders may also transfer any surplus of Government stores from one town to another which needs it worse.

It is the purpose of this order to place the burden of feeding the poor upon the wealthy classes, whose disloyalty has brought on and maintained this war, and upon those who still remain disloyal, especially upon those who are actively sympathizing, contributing to, and otherwise aiding and assisting the insurrection. (See provisions of sections 21, 37, 38, and 156, General Orders 100.)

J. F. BELL,
Brigadier-general, Commanding.

[Telegraphic circular No. 10.]

BATANGAS, December 20, 1901.

To all Station Commanders:

Commanding officers in the provinces of Batangas and Laguna will prepare to send out commands on the 26th of December and every day thereafter until January 1, for the especial purpose of hunting insurgents and disloyal persons, and confiscating and bringing into Government storehouses all rice and food supplies found within the jurisdiction of their town and outside the zone of protection. Rice found in the possession of families so situated will, if practicable, be moved with them to town; that found abandoned or apparently stored in mountains or other places for insurgents will be confiscated and brought in for the Government.

In accomplishing this, commanding officers are authorized to impress every possible means of transportation, including able-bodied males, as burden-bearers, and the use of prisoners of war. When large quantities of rice are found so located as to render it possible to transport it to town, a guard will be left over it until sufficient transportation can be secured for moving it. The families of poor people — women and children — of the town may be notified that they can go out and take for their own use as much of the rice as they can transport.

It is desired that all commanding officers make an especial effort during these six days to accumulate as large a store of rice within the towns as possible, but whenever it is found absolutely impossible to transport it to a point within the protected zone it will be burned or otherwise destroyed. These rules will apply to all food products.

J. F. BELL,
Brigadier-General, Commanding.

Official copy:
MILTON F. DAVIS,
Captain, First Cavalry, Acting Assistant Adjutant-general.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
April 15, 1902.

[Telegraphic Circular No. 14.]

BATANGAS, December 21, 1901.

To all Station Commanders:

On and after January 1, 1902, all traffic on roads or trails outside of the limit of protected zones for any purpose whatever, and all passing of persons or merchandise to and fro between towns will be strictly forbidden by all commanding officers in the towns of Batangas and Laguna. No person will be permitted to leave the town without a written pass from the commanding officer thereof; said pass to show length of time the said individual has permission to be absent, where permitted to go, and for what purpose. If the pass is to go to a neighboring town, the holder will be required to present it to the commanding officer thereof, who will note this fact and the hour on the pass. Unless the holder is back by the expiration of the specified time, arrest and confinement will follow. No pass will be given to any able-bodied man for any purpose whatever except in cases of extreme necessity, and no pass will be given an able-bodied male to go anywhere to do anything which a woman can do equally well.

An exception will be made in those towns where it may be practicable to permit the people to gather standing crops, under the protection of patrols or detachments of soldiers.

Any able-bodied male found by patrols or scouting detachments outside of protected zones without passes will be arrested and confined, or shot if he runs away. No old and feeble man nor any woman or child will be shot at pursuant to this rule.

Any merchandise found outside of protected zones after January 1, 1902, will be confiscated for the Government or destroyed.

J. F. BELL,
Brigadier-General, Commanding.

[Telegraphic Circular No. 22.]

BATANGAS, December 24, 1901.

To all Station Commanders:

The purpose of the preceding telegraphic circulars of instruction has been to place the burden of the war on the disloyal, and to so discipline the inhabitants that they will become anxious to aid and assist the government in putting an end to the insurrection and in securing the re-establishment of civil government. Their provisions are based upon the assumption that, with very few exceptions, practically the entire population has been hostile to us at heart. In order to combat such a population, it is necessary to make the state of war as insupportable as possible; and there is no more efficacious way of accomplishing this than by keeping the minds of the people in such a state of anxiety and apprehension that living under such conditions will soon become unbearable.

Little should be said. The less said, the better. The making of threats which cannot be carried out should especially be carefully guarded against. Let acts, not words, convey intentions. The more an officer does, and the less he says about what he is going to do, the more apprehensive and anxious will become those who are guilty and who wait for what is next to

happen. When it becomes necessary to give warning or publish instructions, do it dispassionately, and not in a threatening way.

The main object of the policy being to cause the people to change their minds and to conclude that it is best to help the Government to put down this insurrection, a tendency in this direction will be encouraged; and, as soon as officers observe that the people have come to their senses, they may modify the rigor of enforcement of this policy so far only as may be necessary to encourage and welcome those who might really and sincerely be desirous of lending assistance.

Officers are again cautioned, however, not to judge or be misled by words alone. They must rely solely upon acts, in order to form a correct judgment of sincerity. The benefit of every doubt should be given to the government.

Those people who have demonstrated their loyalty and sincere desire to assist, by methods mentioned in telegraphic circular No. 3, should be spared and protected as much as possible, in order to make a distinction between them and the disloyal.

Though it is intended and desired that the policy to be enforced shall be as rigid and relentless as it possibly can be until the people have come to their senses and completely turned against the insurgents, the brigade commander relies upon the sense of duty of every officer and non-commissioned officer, and the personal pride and gentility of every enlisted man, to effectually preclude looting and other abuses committed for personal advantage. He feels certain that officers and men who have so important a duty to perform, and who are forced to adopt such radical measures to accomplish it, do not wish to reflect serious discredit upon their motives by seeking or desiring any personal advantage.

J. F. BELL,
Brigadier-general, Commanding.

Official copy:
MILTON F. DAVIS,
Captain, First Cavalry, Acting Assistant Adjutant-general.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
April 15, 1902.

[Telegraphic circular No. 28.]

BATANGAS, January 9, 1902.

To all Station Commanders:

Information reaching these headquarters indicates that the hardship and pressure which has been placed upon the people by the campaign has caused them, in seeking revenge or means of self-defence, to resort to their well-known expedient of false denunciation. Inasmuch as this custom is both a pernicious nuisance and might become a serious impediment to the success of military operations, commanding officers in the provinces of Batangas and Laguna will promptly bring to trial by provost court, for conduct prejudicial to good order and military operations, any person who makes a false denunciation, whenever it can be established to the satisfaction of the commanding officer that said false denunciation has been knowingly and viciously made for purposes of revenge, of self-defence, of

clouding the real issue, of throwing discredit upon the transactions, motives, or testimony of material witnesses, or for any other purpose.

Inasmuch, however, as it is not intended to prevent or discourage the making of legitimate complaints, commanding officers will take great pains to investigate carefully and bring no one to trial until it has been clearly ascertained that they have made false denunciations knowingly and purposely, with vicious intent.

Any kind of defiance of the Government or disloyal manifestations against measures adopted by it to put an end to insurrection, in this brigade, will be suppressed at once. These people must be taught the necessity for submission to the legally constituted authority, and this can be properly done in one way only,—by firm and relentless repressive action.

J. F. Bell,
Brigadier-General, Commanding.

APPENDIX B.

Extract from letter of Henry Loomis Nelson to Boston *Herald*, July 28, 1902:—

Every one who has conversed with officers who have returned from the Philippines must recognize the truth of the description of the mental atmosphere of the army as set forth in the open letter (of Mr. Adams and others) to the President. Many of the officers who have anything whatever to say on the subject are temperate and just in their characterization of what they admit to be a hideous fact. Many of them cannot be expected to go upon the witness-stand and swear to what they narrate in private conversation. The kind of subordination which they practice prevents them from taking a position which seems hostile to that of the administration. Yet, looking back at their experience in the islands, they judge the situation and the acts and actors with judicial temperament. In the midst of civilization they are quite conscious of the barbarity of the war in which they have been engaged. It is only within a day or two that I have had a conversation with an officer who spent two years in Cuba and has been fighting for two years since in the island of Samar.

He is not a man of sensitive nature, but rather a large, coarse-fibered man, who takes his fighting as part of the day's work, and doesn't permit sights that would offend the sensibilities of more highly organized beings to deprive him of his night's sleep. In all probability, after his sick leave is over, he will be obliged to return to the Philippines to resume the tasks in which he was engaged when the fever caught him. Blunt and experienced in bloodshed as he is, this man shrinks with a certain degree of horror from the thought of returning to the islands, where he will be compelled to take up again the duties of savage warfare. He and his kind often tell the truth of what has been going on in the Philippines with a shudder, but sometimes with that indifference which comes from the acceptance of cruelty as a necessary incident to this kind of war.

The real state of mind of the army, however, on this subject is revealed by such men as Colonel Groesbeck. This officer talks in public as nearly all officers of the army talk in private. They do not excuse the horrible and shameful offences which are charged by the committee; but they do excuse and defend acts of cruelty which the President himself has denounced, and punishment for which he has promised in every case where the offence and the offender can be discovered. When it comes, however, to acts of cruelty committed either for revenge or for the purpose of obtaining information, both being contrary to those regulations of war so often quoted by Secre-

tary Root, the Groesbeck kind of officer insists that the water cure and other torture, no doubt including killing, are justifiable. These men speak out in criticism of their superior officer because their opinion on the subject is so much a military commonplace that it seems a matter of course, while the punishment of General Smith seems an outrage. They are not so keenly sensitive to the demands of military subordination as are those who speak in private and refuse to speak in public. If they were, we should never get at this particular truth of history.

What is important is that Groesbeck speaks the mind of the army as to cruelties inflicted in the due course of savage warfare. Everybody who knows the army and its opinion knows this to be true. The fact that it is true is also shown by the swiftness of the War Department to demand silence from the Groesbecks. Freedom of speech on this subject would be exceedingly dangerous. It is quite probable that when General Smith comes home, there may be further talk, in which event the department will endeavor to silence it; for silence on this subject is to be enforced, if possible. This incident in the history of our warfare in the Philippines is to be considered as closed, if those who are responsible for the war can enforce their determination on the subject. Mr. Lodge's committee will probably never resume the investigation, which therefore results in nothing; and the Republican newspapers will help him suppress the disagreeable truth. There is not a person connected with the administration who does not know that General Smith described accurately a state of mind in the army, although he described it in such brutal and revolting speech that he must have shocked even men who believed with him as to the essential thing. There is a general belief among those who are trying to suppress the truth that cruelty has been too common, and that the army was ripe for even more. They are not so much solicitous of the army's reputation, however, as they are for the welfare of their policy of imperialism.

The other letter of Mr. Nelson is in the Boston *Herald* of August 25, 1902, and contains extracts from a recent letter from an officer in the Philippines. It states the whole case: —

When General Otis set sail for America he had the situation so little in hand that to go six miles out of Manila without a company furnished plenty of wholesome excitement. Apparently his successor preferred to get the situation off his hands as quickly as possible; for he quietly intimated to his division commanders that the war was to be prosecuted with sternness and energy, so that the insurrection might be wiped out as quickly as possible. General Hughes was at that time in command of the department of the Visayas, and Panay was what the papers called a hot-bed of insurrection. . . .

Under these circumstances none of the usual forms of campaign was practicable. General Hughes could not strike at a non-existent base of supplies, neither could he use the method employed with so much success against the Indians, and "camp on the trail" of the

insurrectos until they were worn out; for, when the pursuit got too warm, the army entirely disappeared and the labor market in the rice fields was almost overstocked. Even when he knew that some notorious "general" was lurking near a town, he could get nothing out of the natives, sometimes because of fear, sometimes because of hostility. It was under such circumstances as these that the use of the water cure began. There is nothing very mysterious about it: it is simply a mild form of torture, consisting of inserting a tube, generally of bamboo, in the subject's mouth and pouring in water until he signifies his willingness to speak. A man who has had the curiosity to try it says that the sensation resembles drowning. . . . There is probably no island in the archipelago where it was used oftener and with better effect than in Panay. . . . When General Hughes began his vigorous campaign, Panay was one of the worst of the islands: to-day it is one of the best. . . . And there seems to be no doubt that these conditions are due to the stern measures adopted to crush out guerilla warfare and ladronism.

There was talk of promiscuous burning in connection with General Smith. Let me tell you what it really means when you can see it. The Eighteenth Regulars marched from Iloilo in the south to Capiz in the north of Panay, under orders to burn every town from which they were attacked. The result was they left a strip of land sixty miles wide from one end of the island to the other, over which the traditional crow could not have flown without provisions. That is what burning means, and no more. It is not done for the fun of the thing, but out of stern necessity. General Smith, going to Samar just after the terrible affair of Balangiga, found himself confronted with even worse conditions. In that unblessed island there was no part of the population that did not want to fight, and every male inhabitant was necessarily regarded as an enemy. . . . There never was any question of reconcentration in Samar; for the only inhabited parts of the country were the coasts, the interior being one mass of impassable, jungle-covered mountains, where the only available food was a few roots and herbs. Any house found outside of the towns could thus be destroyed without hesitation, as belonging to and sheltering the enemy, if the troops were to guard against treachery. All this should be remembered when one reads the orders, freely admitted by General Smith as his own, when they were introduced by the prosecution in his trial: "Kill and burn! Kill and burn! The more you kill and the more you burn, the more you please me." Harsh words there, if given to apply to a whole people and all its habitation. . . . Translated into less dramatic language, they simply meant, "Attack the enemy wherever you see him, and destroy all his supplies and quarters." Very uncomfortable for the enemy, to be sure; but army people seem to think that the purpose of war is to make the enemy uncomfortable. So, too, with that order to kill every male over the age of ten years,— which meant every male encountered under arms, and no more. General Smith was not waging war against women and children. In short the campaign in Samar was simply a war of exceptional severity waged against an enemy of exceptionally savage and treacherous nature.

This letter, I have reason to believe, justly expresses the view of the army. It believes that the war which it was ordered to wage made necessary all the cruelty which has been practised. There is no disposition on the part of intelligent officers to shirk their responsibility, and no intention to ask forgiveness for the burnings or the water cures. General Smith's order is almost universally defended as necessary.

The letter in conclusion insists that those who are responsible for all the cruelties which have been practised are those who gave the order for the war. This is expressed in the following pregnant sentence: "If, after calm deliberation, the American people become satisfied that the conditions imposed here by the policy of the Republican party are unendurable, let them demand a reckoning of that party. The administration has not been sitting in darkness. The Department of War must have known what has been going on. If it has not, it can hardly put forward so gross a dereliction of its duty as an excuse for what has been done. Let the opposition keep its eyes on the men in Washington. Then, if there is any blood to be shed as payment for maladministration, it will not be the vicarious blood of men who have honestly and bravely done their duty as they saw it."

APPENDIX C.

Captain Ryan's Case.

The following case is peculiarly illustrative of the attitude of the army toward the use of torture for military purposes, and demonstrates also the inability of courts-martial to do justice in such cases.

By direction of the President, Secretary Root ordered General Chaffee to court-martial Captain James A. Ryan of the Fifteenth Cavalry for cruelty in his method of obtaining information from the native Filipinos. This order was given about the 8th of May, 1902; and the action was taken in consequence of the report made by William P. Rhode, a special prosecutor, who had been sent to investigate certain complaints made against Ryan. From Rhode's report, as given in the Boston *Herald* in a despatch of May 8, the following is quoted: —

> "Each individual before being examined by Captain Ryan had his arms tied to his body in such a manner that he could not protect his head when falling. Then he was stood up erect upon a wooden floor, and had his legs knocked from under him. Then his body was lifted and his head jolted against the floor once more, whereupon he was stood upon his head in a bucket of water for a certain length of time, and then was examined. This process was employed three times in succession before Waldo Abing made his statement.
>
> Altogether, about a dozen of the natives are said to have received this treatment."

On the 20th of August the Springfield *Republican* published a statement as to the reports of the trial contained in the Manila newspapers, and the following is quoted as indicating the line of defence which Ryan adopted: —

> The papers are full of reports of the trial of Captain Ryan, who was charged with administering the water torture. Ryan was defended by Major Glenn, who had been under similar charges. Captain Ryan, in his own defence, used this language: "Did my sticking the heads of these treacherous, lying native office-holders into a pail of water, thereby washing away an impediment in their speech, constitute a greater crime than treason against the flag and the soldiers who defend it?"

He was tried for several offences; and it has since appeared that the court acquitted him on all the specifications except one, of which they found him guilty "without criminality," and for which they imposed no sentence. The President has disapproved the conclusion, but without stating his reasons.